

Planning Committee

1 March 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. Ms A Freeman

The Studio, Vines Farm, Mill Lane, Pirbright, Woking, GU24 0BS

20/P/02063 – The use for which a certificate of lawful use or development is sought is “independent residential use of the building with ancillary photographic studio”.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector’s Conclusions:

- The main issue is whether the Council’s refusal to grant an LDC was well founded.

- I saw that the building contains a fully equipped kitchen, a cloakroom and WC, a living area, workspace and a bedroom with an open plan bathroom. It contains all the facilities required for day-to-day private domestic existence, along with space for the photographic studio.
- The appellant explains that she moved into The Studio and used it as her sole and primary residence from 16 July 2014 to 29 July 2019. She has hosted a number of social events at the premises. It is maintained that the photographic studio is ancillary to the primary residential use. Since July 2019, the appellant has lived elsewhere but continued to use The Studio for occasional overnight stays.
- Statutory Declarations¹ have been provided by the appellant and Mr T Freeman, as joint owners of the wider Vines Farm property. These state that Ms A Freeman occupied the studio during the dates specific above and was not dependent on the facilities within the main farmhouse. It is further stated that the premises was used for professional photographic purposes but this accounted for less than five percent of the appellant's company income during that period, because the professional work was almost exclusively location based. Further Statutory Declarations have been provided by R Freeman, G Jackson, N Williams, P Robotham, F Robotham and M Loveridge which corroborate the statements provided by Mr and Ms Freeman.
- Company invoices detailing descriptions of commissions have been submitted, which show that some photoshoots took place in The Studio while many others were at various other locations. Further evidence includes copies of utility bills, submitted to show the property has a separate business energy account; letters from BT regarding a new phone line; Vodaphone invoices; TV licence direct debit payments; and objection letters dated April and May 2016 from neighbours and Pirbright Parish Council in response to application 16/P/00628, referring to the independent use of The Studio.
- The Statutory Declarations have all been properly signed and witnessed and carry significant weight as sworn evidence. The sworn evidence states The Studio was used and occupied as a dwellinghouse for a continuous period in excess of four years. There is further corroborative evidence consisting of utility bills and other documents which support the appellant's version of events.
- The Council draws my attention to the responses to its Planning Contravention Notice, dated 12 December 2016. This suggests the appeal building was used as part and parcel of Vines Farm as a whole, as opposed to being a separate planning unit in its own right. It is

explained that the appellant was seeking to show the appeal building was not occupied independently from Vines Farm because the wider property remained in joint ownership. I understand a Council officer visited the premises and saw the internal layout. At that time, the Council concluded that a separate planning unit had not been created. However, the evidence before me strongly suggests otherwise. The occupant of The Studio was not reliant on the main dwelling at Vines Farm and she lived independently. The premises was physically and functionally separate having its own address, utilities and self-contained accommodation. The appellant and Mr Freeman were not living as a single household. The evidence submitted is precise and non-ambiguous and I am satisfied that The Studio was occupied as an independent unit from July 2014. At that time a material change of use occurred.

- The Council maintains that the use is a mixed use, which is two primary uses existing within the same planning unit. In contrast, the appellant argues that the photographic studio is incidental to the primary residential use. Section 55(2)(d) of the 1990 Act provides that the use of land or buildings within the curtilage of the dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such is not development. Whether or not a use is incidental for the purposes of s55(2)(d) must be considered with regard to the primary residential use and the type and size of the dwellinghouse and its curtilage, as well as the scale and nature of the claimed incidental activity.
- The carrying out of some hobby and/or working from home may be incidental, but it is always vital that there is a normal functional relationship between the incidental and the residential use. The key is reasonableness. Even if a use may be incidental to the enjoyment of a dwelling, it might not be so if it is carried out on such a scale or in such a way as to cause some material change to the character of the overall use of the planning unit. That may be the case if, for example, a business run from home generates significant comings and goings by customers.
- Post production editing occurred at the desk in The Studio but this was carried out by the appellant and can be considered equivalent to home working. In addition, the invoices demonstrate the majority of the appellant's photographic work occurred on location. I note that around eight invoices out of a total of 131 involved clients visiting The Studio. The appellant also hosted a small number of events connected with her work. Nonetheless, there is no suggestion of significant numbers of

people attending the premises for business purposes, such that it would have resulted in a change in character to the planning unit.

- I am aware that the space within the unit that could be used for photographic purposes is relatively large and I saw that the form and layout operates to take advantage of daylight. However, there is also evidence that the space has a dual purpose. There are shutters over the large windows to provide privacy, fixtures are mobile and the premises is largely open plan. It is clear that the photographic space also functions as part of the dwelling when not in use, for example, for entertaining and other recreational purposes such as music and dance. Overall, it is apparent that the appellant ran her business from her home, which is reasonable. There is a normal functional relationship between the studio and the residential use, and the photographic studio remained incidental in scale and character.
- I note that the appellant no longer occupies the premises as her main residence. However, the lawfulness of the use would have been established by the time she moved elsewhere. It is not necessary to show continuous use up until the date of the application. There is no suggestion that the lawful use had been lost through, for example, abandonment or a further change of use. I also note the suggestions of concealment. However, it is apparent that the Council conducted a site visit and inspected the interior of the property.
- I find that the appellant has shown, on the balance of probabilities, that a material change of use to a single dwellinghouse occurred four or more years prior to the date of the application, and that use continued after the date of change without significant interruption such that it is now too late to take enforcement action. The residential use of the building with an ancillary photographic studio is lawful, therefore.
- 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 independent residential use of the building with ancillary photographic studio 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 and Mrs Musson

Hollowfield Cottage, Littleton Lane, Guildford, GU3 1HN

21/P/02532 – The application sought planning permission for the erection of a replacement single storey two-bedroom dwelling and garage, following demolition of the existing dwelling and outbuildings, without complying with a

condition attached to planning permission Ref, 20/P/00963, dated 23 December 2020.

The condition in dispute is No.6 which states that: “Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting those Orders with or without modification), no development within Part 1, Classes A, B, C, D and F shall be carried out on the dwellinghouse hereby permitted or within their curtilage.”

The reason given for the condition is: “Having regard to the size of the dwelling approved, the local planning authority wishes to retain control over any future development (including extensions, alterations outbuildings and hard surfaces) in the interests of the openness of the Green Belt and the special character of the Conservation Area.”

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector’s Conclusions:

- The appeal is against non-determination but the Council has now set out the reason why permission would have been refused had the Council been able to decide the application. From this the main issue is whether there are clear planning reasons for the retention of condition No.6 particularly the effect of the replacement dwelling with no ‘permitted development’ restrictions on the openness of the Green Belt.
- The appeal site is a long thin area of land that lies on the edge of the hamlet of Littleton and also within the Littleton Conservation Area. The site also lies in an elevated position in the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV) as well as the Green Belt. At the time of my visit a new dwelling was under construction and was substantially complete. It is apparent from the planning history that this is a replacement dwelling and the previous bungalow was demolished early in 2022. It is also apparent that the size of a replacement dwelling has been a contentious subject with appeals dismissed in 2019 and 2016. The appellants’ submitted plan shows the outline of a 4m deep extension added to the north facing elevation of the new property which is said would be possible under Class A of the GPDO1.
- For clarity, in general terms, condition No. 6 restricts Classes A, B, D, E and F (of schedule 2 Part 1 the GPDO). These relate to (in the same

order): the enlargement of the dwelling house; additions to the roof; porches; incidental out-buildings and creation of hard surfaces.

- The National Planning Policy Framework (the Framework) indicates in paragraph 149 that the construction of new buildings in the Green Belt is inappropriate development unless a proposal falls within one of the stated exceptions. The relevant one for this case is (d) concerning replacement buildings where, to be acceptable, the new building must be in the same use and not materially larger than the one it replaces.
- It is clear from the officer report that assesses application Ref. 20/P/00963 that the size of the replacement dwelling was a main issue and the report breaks down the floor areas of the existing and proposed dwellings. Although the new dwelling would be substantially greater in floor area footprint, the cumulative area of the then existing outbuildings was also taken into account to ensure that there was no increase in floor area. From this the officer concluded that the new building would not be materially greater than the dwelling to be replaced.
- From this I am satisfied there is clear justification to retain the reference to Class E in condition 6 as the cumulative size and scale of outbuildings have already been taken account of. However, there is little evidence that the size of the original dwelling had been assessed taking into consideration extensions previously carried out under Classes A or B as described above. Moreover, the provision for porches under Class D is very limited and unlikely to have a material effect on the overall size of the replacement dwelling. Likewise, Class F provision of new hard surfaces is also likely to have a negligible effect on the Green Belt.
- Guidance in paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case I am satisfied that the retention of condition 6 in respect of Class E serves a clear planning purpose and is justified to ensure that the new dwelling allowed continues to be not materially larger than the buildings it replaced in accordance with the policy of the Framework and Policy P2 of the Local Plan. However there is not clear justification for the retention of the other Classes in Condition 6 even taking account of the sensitivity of the site in the Conservation Area, AONB and AGLV. I find that these other restrictions have therefore not been shown to be reasonable and necessary.
- I will therefore allow the appeal in part and, in effect, delete Classes A, B, D and F from condition 6 but retain Class E.

- For the reasons given above I conclude that part of the appeal should be allowed.

7. Mr and Mrs R Fei

West Hill House, 17 Abbotswood, Guildford, GU1 1UX

22/P/00451 – The development proposed is the erection of a detached garage.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issues are the effect of the development on the character and appearance of the host property and the surrounding area, and whether it would preserve or enhance the Abbotswood Conservation Area.
- The appeal property is a large, detached two-storey house set back from the road. It is located within the Abbotswood Conservation Area (ACA) which relates to a residential garden suburb built in the early 20th century. The detached properties are generally set within relatively spacious and landscaped plots, and West Hill House is one of the original Burlingham houses of an Arts and Craft style. The boundary to the ACA runs along the edge of the appeal site. Beyond which the land slopes down and there is a distinct change in character to the neighbouring properties in Westwood Ho.
- The appeal property is angled within its plot with the frontage facing towards the gated entrance in the southern corner adjacent to No.18. The remainder and relatively long length of the front boundary is formed of high hedging. As a result views of the property including the front garden area are restricted.
- The proposed oak timber clad garage is designed with a hipped roof with tiles to match the existing property and would be positioned adjacent to the front boundary. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) advises that a garage should be sited to the side or rear of the property, behind the building line. Whilst the proposed garage would be in a forward position only a small proportion would project in front of the property due to its orientation. I also agree with the appellant that the area proposed for the garage is relatively open and would minimise tree removal. As such, I find the relationship between the garage and the host property would be acceptable.
- Hedging to the front boundaries is an integral feature of the area and with a height of approximately 3m the existing hedge to West Hill House

would predominantly screen the garage. The roof would in part be visible, however the garage has a limited ridgeline at the maximum height and the elevation to the road would be formed of a catslide roof.

- Garaging to properties in Abbotswood vary in terms of design and siting which to some extent is reflective of the individuality of the properties and the layout of the estate. The appellant has drawn my attention to those located in forward positions. Whilst these are not prevalent, from my observations, in general they do not detract from the spacious and sylvan character of the area.
- Landscaping is a key element of the estate contributing to its character and the setting of the ACA. Without the existing hedging and other vegetation within the appeal site the garage could be a prominent and intrusive feature. Whilst to accommodate the garage only one tree is to be removed, there would be the loss of other soft landscaping and the southwestern part of the site is denoted on the Abbotswood Conservation Area map as an important group of trees. The retention and integration of vegetation around the garage is therefore essential. As suggested by the appellant further landscaping could be secured by condition, and with conditions to ensure the protection of the existing trees and the retention of the mature hedgerow the appearance and character of the area would be maintained.
- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area. The Abbotswood Conservation Area Character Appraisal and Management Plan (CAMP) summarises the character as a mature residential estate comprising large, detached dwellings set back from the road within mature gardens. For the reasons already set out and with the mitigation measures to protect the landscaping I find that the garage would suitably integrate into the site and as a result the character of the ACA would be preserved.
- The development would therefore accord with Policy D1 of the Guildford Local Plan: Strategy and Sites 2015-2034, and saved Policies G5, H4 and H8 of the Guildford Local Plan 2003 which amongst other things, seek high quality design and respect for the character and appearance of existing dwellings and surrounding area. The proposal would also accord with the general principles of the SPD, and the protection of heritage assets required by the National Planning Policy Framework.
- The Council has suggested a number of planning conditions which I have considered against the relevant guidance. I have imposed the standard

time condition and a plans condition for certainty. I also agree in the interest of the character and appearance of the area a materials condition is necessary, however as the details are indicated on the plans and the roof tiles are to match the existing house samples are not necessary. No new soft or hard boundary treatment is proposed, but a condition is required to maintain the retention of the existing hedge to the front boundary. Whilst an Arboricultural Impact Assessment Report has been prepared, the protection of the hedge and the provision of replacement tree planting are also required. I have therefore imposed a condition requiring full landscaping details to be submitted to and approved by the Council. This is to ensure a complete and co-ordinated approach and as it will secure protection during construction it has to be a pre-commencement condition.

- For the reasons set out and having regard to all other matters raised I allow the appeal.

8. Ms K Gillham C/O Mitchell Evans LLP

Cranbourne, Elstead Road, Shackleford, Surrey, GU8 6AY

22/P/00617 – The development proposed is described as a single storey rear extension, single storey side extension and enlarged entrance porch.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The appellant has stated the proposed patio extension would fall within permitted development. Notwithstanding this, no objections have been raised in relation to the proposed patio extension, and the Council have not referred to this element within its reasons for refusal. I am therefore satisfied this part of the proposal is not contentious.
- The main issues are, therefore whether the proposed single storey rear extension, side extension linking the main dwelling to the outbuilding, and porch to the main entrance of the dwelling (the proposed extensions) 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 it has upon the openness of the Green Belt; and if the development is inappropriate 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 circumstance necessary to justify the development.

- The appeal site contains a detached two-storey dwelling with first floor balcony to the rear and a large, detached outbuilding to one side. The site is a substantial plot which is enclosed to the rear by solid fencing. The frontage of the site is more open facing a small paddock and several large, detached dwellings. This group of dwellings is surrounded by a mix of woodland and fields and located within the Green Belt between the A3 and the village of Shackleford.
- Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but sets out 7 exceptions to this. On review of the evidence before me I am satisfied that the proposed extensions should be considered under paragraph 149 c). This allows for the extension or alterations of a building provided that does not result in disproportionate additions over and above the size the original building.
- Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (LP) refers directly to the tests in the Framework. However, it also amplifies some of the definitions when considering those tests. The Framework defines the original building as either a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was originally built. LP Policy P2, varies from the latter part of the definition by stating that if no building existed on 1 July 1948, then the original building is the first building built after that date.
- The host dwelling was ultimately approved in 2015 and formed part of a scheme which included 3 replacement dwellings. From the information before me all 3 replacement dwellings appear to have been located differently to the original 3 dwellings and previously existing outbuildings, and it is not evident which dwelling replaced which. I note the Council refer to the host dwelling as a replacement of Southborough Lodge Farm, however the existing property adjacent to the appeal site also bears that name.
- Therefore, on the information before me, the host dwelling and outbuilding were constructed after 1 July 1948 and their location would appear to have not been previously occupied by one of the earlier buildings. Consequently, for the purposes of this appeal the originally constructed form of the host dwelling would constitute the original building as defined by the Framework and LP Policy P2.
- It is appreciated the host dwelling was permitted as a replacement dwelling, so its full impact on the Green Belt was assessed at the time of its approval and found to be acceptable. As such the original form of the host dwelling would form the baseline of reference when considering

whether the proposed extensions would be disproportionate or not. The main parties agree that since construction the host dwelling has not been extended.

- The proposed extensions would be single storey, and visually subservient to the host dwelling. The proposed rear extension and porch would both be partially located within the existing footprint, below either the existing rear facing first floor balcony or the forward facing first floor overhang. The proposed side extension would be positioned between the host dwelling and outbuilding and would not extend beyond the front or rear elevation of either building.
- The proposed extensions would therefore retain the compact footprint of the host dwelling and outbuilding within the appeal site and their single storey height would not significantly add to the overall bulk of that existing. The proposed extensions would result in disproportionate additions over and above the size of the original building.
- In conclusion, the proposal would not be inappropriate development in the Green Belt. It would comply with paragraph 149 c) of The Framework and LP Policy P2.
- As the proposal would not be inappropriate development, it is not necessary to further consider the effect of the proposal on the openness of the Green Belt or whether very special circumstances are necessary.
- The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree that due to the subservient nature of the proposal in relation to the existing dwelling and outbuilding, the special qualities of the AONB would not be adversely affected.
- It is noted that the original permission for the host dwelling included a condition which removed certain permitted development rights. Since this appeal was submitted, the Council have approved the removal of that condition. This does not alter my findings.
- For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, allowed.

9. Mr P Christian

Skyfall, 15 Bennett Way, West Clandon, Guildford, GU4 7TN

21/P/01780 – The development proposed is the erection of an oak frame carport.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is whether the proposed car port constitutes 'inappropriate development' in the Green Belt.
- The appeal site is a detached house and its garden which lies at the end of a short cul-de-sac of similar properties within the village of West Clandon which also forms part of the Green Belt. It is apparent that the house was originally built with an integral garage but, following a specific grant of permission, this was converted into habitable space because of the appellant's need to work from home as a result of changes brought about by Covid regulations. It is proposed to erect an oak framed open car port at the front of the property. This would have timber clad elevations and a plain tiled roof. The Council accepts that the scale, design and materials of the proposal are appropriate for the area and the siting would not affect an adjacent protected mature tree. The sole issue is the effect on the Green Belt.
- The National Planning Policy Framework indicates in paragraph 149 that the erection of a new building in the Green Belt should be regarded as 'inappropriate development' unless it falls within one of the exceptions listed. The one relevant to this case is (c) involving an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling.
- Moreover in the case of *Storer and Lowe*¹ the High Court held that paragraph 149 (c) "... is not to be interpreted as being confined to physically attached structures but that an extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension."
- The relevant Policy P2 of the Guildford Borough Local Plan relies on the definition of inappropriate development set out in the Framework and also defines 'original building' in the same way as the Glossary to the Framework.
- It appears to me that the original building of Skyfall is as it exists now. The appellant refers to a different car port being considered to the side of the property as 'permitted development' but this had not been

erected at the time of my visit. Taking account of the overall scale, size and proportions of the dwellinghouse and the size, siting and close proximity of the proposed car port I am satisfied that it would not result in a disproportionate addition over and above the size of the original dwelling. As such the proposal would meet the terms of Paragraph 149(c) and Policy P2 and is not 'inappropriate development'.

- The general accord with national and development plan policy is not outweighed by any other considerations and therefore the appeal should be allowed.
- The Council recommends standard conditions concerning the implementation of the permission; materials to match the existing dwelling house; and accord with the submitted plans. These are reasonable and necessary in the interests of maintaining the appearance of the area and I will impose them with a minor change to the condition on materials given that timber elevations are proposed on the car port.
- For the reasons given above I conclude that the appeal should be allowed.

10.Mr Pantling

7 Woodruff Avenue, Guildford, Surrey, GU1 1XS

22/P/00238 – The development proposed is described as "First floor extension over garage. Demolition of conservatory at the rear and erection of single storey extension in its place."

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposed development on the character and appearance of the area.
- The appeal property is a detached house in a street scene comprising principally detached houses of varying scale and appearance, including the extent and scale of forward projections. The spacing between properties in the street scene varies significantly. Within the near vicinity of the appeal site most houses have first floors as wide as their ground floors, although there are some such as the appeal property that are wider at ground floor.
- The proposed first-floor extension would project to the front and side of the house. The forward projection would extend as far forward as the existing garage. This would be deeper than the existing two-storey projection and so would be more prominent within the street scene. However, given the varied character of the street scene, the scale and

design of the proposed extension would not result in an unacceptable appearance to the proposed dwelling.

- The extension would significantly reduce the space between Nos 5 and 7 at first floor level. However, the gap would not be completely closed, and would be similar to spacing between houses elsewhere within the near vicinity. It would not therefore result in harm to the appearance of the wider street scene.
- The existing conservatory to the rear of the house would be replaced by an extension of similar footprint and height. It would not be prominent in views from surrounding properties and would not be harmful to the appearance of the property.
- Overall, therefore, the proposed development would not be harmful to the character and appearance of the area. It would therefore accord with saved Policies G1, G5 and H8 of the Guildford Borough Local Plan 2003, Policy D1 of the Guildford Borough Local Plan 2019 and Policy B-FD 1 of the Burpham Neighbourhood Plan. Taken together these policies require that extensions have no adverse effect on the scale and character of the dwelling, reflect the distinct local character of the area, and be suitably designed within the context for which they are set.
- I have imposed conditions relating to the commencement of development and confirming the approved plans, for the sake of certainty.
- I have also imposed a condition requiring that the development be finished in external materials to match the existing house. While these are indicated on the approved plans, not all external materials are stated to match. This condition is therefore reasonable and necessary to ensure that the finished appearance of the extensions would not be harmful in the street scene and wider area.
- For the reasons set out above, the appeal succeeds.

11.Emmaus Road Church

The Founders Studio, Millbrook, Guildford, GU1 3UT

21/P/02054 – The development proposed is variation of condition 2 (Plans) of planning application 20/P/00224 approved 17/04/2020.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposed change to the external appearance of the permitted alterations to the Founders Studio, in

particular an air conditioning system, on the character and setting of the Town Centre Conservation Area and other designated heritage assets.

- The appeal site comprises a relatively modern two storey building, which is used as a community centre by a church, and fronts Millbrook from where the land rises steeply to Quarry Street at the rear. To the southern side of the building lies a pedestrian tway, Rosemary Alley with flights of steps to the higher street. The site and surrounding area lie in the Guildford Town Centre Conservation Area and in close proximity to a number of Listed Buildings including St Mary's Church and its church yard to the north, and the Town Mill and Yvonne Arnauld Theatre to the west. The adjoining properties No's 6, 8 and 8A Quarry Street are all Listed Grade II*.
- The appeal concerns a proposal to modify the plans agreed as part of a permission to refurbish the building to now include an air conditioning system which has been installed on and alongside the rear facing roof of the building.
- I note that the Council issued an enforcement notice against the air conditioning apparatus in February 2022 and an appeal against the notice was dismissed in September 2022 under ref. APP/Y3615/C/22/3295054. While the notice was varied in minor terms, the notice was upheld but the period for compliance was increased to 6 months.
- In this assessment I have paid special attention to the desirability of preserving or enhancing the setting of the listed buildings mentioned above and the setting of the Conservation Areas and placed great weight on the heritage assets' conservation.
- The main effect is on the character and appearance of the heritage assets as appreciated from around Rosemary Alley. I noted at my site visit that a small part of the air conditioning unit is seen from part of St Mary's churchyard but even at this time of year when the intervening vegetation is at its least dense views of the apparatus from this area are not significant or material.
- On the other side of the appeal building the environs of Rosemary Alley make a positive contribution to the character of the conservation area through the narrowness of the space and the presence of enclosing walls mainly constructed in old red brickwork. Where part of the side elevation of the appeal building abuts the Alley the side wall is rendered, painted white and topped with a coping stone and some low railings. However, this enclosure is of a height where the air conditioning apparatus is readily apparent over a short distance to users of Rosemary Alley. Its

extensive tubular form wrapped in a shiny grey material as well as the scale of the apparatus makes it an alien and imposing form which detracts the simple form of the roof of the building. Even though the apparatus is not seen from the thoroughfare of Millbrook, the addition harms the character and significance of the conservation area and the wider setting of the other heritages assets including the setting of the adjoining buildings at No's 6, 8 and 8A Quarry Street.

- The application proposals includes a proposal to mitigate the equipment with the fixing of louvre screening along the railing to a height of 0.9m above the wall. This is shown to be "PVC, Alum or similar", however, I am not satisfied from the details submitted that this is likely to be an acceptable form of screening that is visually attractive to Rosemary Alley and this solution is likely to mitigate one alien feature by adding another. This would result in 'less than substantial harm' as described in paragraph 202 of the National Planning Policy Framework.
- I have considered the appeal scheme as including the alternative means of addressing the visual impact of the air conditioning system as subsequently discussed with the Council. This alternative involves building the existing white rendered wall upwards by 0.8m and topping it with coping stones as well as the introduction of a horizontal timber lattice. I note that the appellant has submitted a new planning application to the Council to include this work in mitigation (22/P/01740), however this is a separate matter to this appeal which has to be considered on its individual merits.
- The heightened wall would effectively screen virtually any view of the apparatus from a walker on Rosemary Alley and the timber lattice would help preserve the setting of the rear of the properties fronting Quarry Street and maintain the view at an oblique angle downwards out of rear facing windows. On the basis of these plans, I find that the visual effect of the air conditioning unit can be mitigated to the extent that the work would not cause harm to the designated heritage assets described above.
- I will therefore allow the appeal on the basis that the plans submitted with the original application are amended to include the two drawings now submitted in mitigation. As the timber screen trellis is not fully detailed on the drawing there is also a need to impose a condition so that these further details are submitted to and agreed by the Council before the lattice is put in place. Further, a condition needs to ensure that the mitigation work is implemented in a period of three months and retained thereafter.

- Finally, the parties' attention is drawn to Section 180 of the Act¹ which deals with the terms of an enforcement notice where there is an inconsistency with a subsequent planning permission.
- For the reasons given above I conclude that the appeal should be allowed.

12. 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.

13.Mr Y Wu

14 Tangier Road, Guildford, GU1 2DE

22/P/00496 – The development proposed is a first floor/part two storey side extension, part single/part two storey rear extension, two additional rooflights and change to fenestration.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposed development on the character and appearance of the host property and its surroundings.
- Tangier Road is part of a residential area comprising properties with a variety of architectural styles. They have a range of features and roof forms. No.14 Tangier Road is a detached two-storey property with a catslide roof to the western elevation. The appeal proposal would replace the catslide with a two-storey side extension, together with two-storey and single storey extensions to the rear. Planning permission has previously been granted for most of the rear extensions (Council reference 20/P/01852) albeit under this proposal the two-storey element would extend further across and link into the proposed side extension.
- Whilst the proposed side extension extends off the existing ridgeline and adds bulk at roof level, the increase to the width of the property is limited. Through the alterations the appearance of the dwelling would be significantly changed, and the existing dormer windows would not be central. However, there is no defining form in the area, and the windows and door to the existing front elevation do not have a consistent vertical alignment. In my view, the extension would fully integrate with the host property, and overall, the resultant form would be well portioned with a balanced hipped roof. As such, I do not find that the side extension would be visually prominent, and the scale of the property would be reflective of others in the road.

- I acknowledge that the design of the side extension does not reflect the subservient approach advocated in the Council's Residential Extensions and Alterations: Guildford Borough Council Supplementary Planning Document 2018 (SPD). However, the SPD sets out general rules and does not preclude other options. A gap of 1.5m is to be retained to the boundary and the development would not result in a terracing effect which is a key aspect the SPD seeks to avoid in relation to side extensions. Overall, in my opinion, the proposal would accord with the design principles of the SPD to ensure that the alterations are appropriate to the character and appearance of the existing property and street scene.
- In conclusion, I find that the side extension would be an appropriate alteration to the host property and would not have an adverse impact on the character and appearance of the area. As such I find that it would accord with the requirements of policy D1 of the Guildford Borough Local Plan 2015 – 2034 and the general provisions of the SPD, which together promote high quality design and for development to be compatible with the surrounding area.
- I have imposed conditions requiring commencement of development within three years, and to be in accordance with the approved plans for certainty. A condition requiring the use of matching materials is necessary in the interests of a good quality appearance to the development. I also agree with the Council that a condition restricting the glazing and opening of the proposed first floor side windows is required to protect the privacy of neighbouring residents.
- For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

14.Thamesway Developments Ltd

Land adjacent to Cowshott Crescent, Brookwood, Woking, GU24 0PD

21/P/00992 – The development proposed is erection of a terrace of 5 dwellings.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect on the Thames Basin Heaths Special Protection Area (TBHSPA).
- Together Policy P5 of the Guildford Borough Local Plan 2015-2034 (2019) (Local Plan) and Policy NRM6 of the South East Plan (SE Plan) state that permission will only be granted for development proposals where it can

be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the TBHSPA, whether alone or in combination with other development. If there would be a likely significant effect, measures to avoid and mitigate these effects must be put in place.

- Both policies set an 'exclusion zone' 400m from the TBHSPA. Policy P5 of the Local Plan states that permission will not be granted for development that results in a net increase in residential units in this area. Policy NRM6 of the SE Plan adds that in exceptional circumstances, this may vary with the provision of evidence that demonstrates the extent of the area within which it is considered that mitigation measures will be capable of protecting the integrity of the SPA.
- The TBHSPA supports important breeding populations of a number of birds, particularly nightjar, woodlark and Dartford warbler, ground nesting birds that are particularly vulnerable to predation and disturbance. The Appellant's Habitat Regulations Assessment states that the proposed development would result in disturbance to birds at the TBHSPA due to reasons including recreational pressure and disturbance and urbanisation. Although the effect from 5 dwellings would be small, when combined with other plans and projects there would be likely to be a significant effect on the protected site.
- The Conservation of Habitats and Species Regulations 2017 therefore require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects. I am therefore required to undertake an AA. This follows the approach of the Inspector in respect of the appeal at Rose Cottage¹.
- Natural England objected to the proposal because of its location in the exclusion zone where mitigation measures are unlikely to protect the integrity of the SPA, so residential development should not be permitted.
- The proposed development is for a net increase of 5 residential units. The houses would be a 150m linear distance from the TBHSPA, within the exclusion zone. This would result in an increased number of people living within the exclusion zone. Their immediate proximity to the TBHSPA, which is the closest area of semi-natural greenspace, means that occupiers of the proposed development are highly likely to use the TBHSPA for recreation. This would pose a significant risk of harm to the habitat, added to which there would be an increased risk of fires and fly tipping from any growth in population so nearby.

- The nearest TBHSPA location is across Billesden Road and there can be no certainty that cats would not cross this road to reach Cowshot Common/Sheet's Heath. Restrictions on pet ownership, whether by means of planning conditions or through a lease, and would need to be in place in perpetuity, would be unreasonable and unenforceable. Furthermore, contributions towards the provision of SANG and SAMM2 in accordance with the TBHSPA Avoidance Strategy SPD3, are unlikely to stop the proposed occupants who would live on the doorstep visiting the TBHSPA. They would therefore fail to be effective in preventing harm to the protected area.
- Whilst the appellant is a housing partner who intends to deliver homes for intermediate rent, no mechanism to secure such an arrangement was provided with the appeal. The accessibility of the location is not a justification for building housing in an area that has been designated unsuitable because of its proximity to the TBHSPA when alternative sites outside the exclusion zone are likely to be available. Nor does it amount to an imperative reason for overriding public interest sufficient to overcome the harm to the site.
- As such, and for the reasons explained above there would be adverse effects on the integrity of the features of a habitats site. This would conflict with Policy P5 of the Local Plan and Policy NRM6 of the SE Plan and the requirements of the Habitats Regulations.
- The proposal would provide 5 new homes in a reasonably accessible residential area. In the absence of a mechanism to secure them as affordable this would amount to a social benefit of only moderate weight. However, this benefit would not outweigh the significant harm to the integrity of the TBHSPA, which is protected for the international importance of its flora and fauna.
- The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, this appeal should be dismissed.

15.Mr Chandler Cranfield

273 Vale Road, Ash Vale, GU12 5LA

22/P/00235 – The development proposed is for a single storey side extension and enlargement for first floor side dormer following demolition of garage and carport.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the occupants of 275 Vale Road, with specific reference to outlook.
- The appeal site comprises a link-detached, gable fronted chalet bungalow with a single flat roof dormer to either side. 275 Vale Road next door is of a similar design, albeit handed, beyond which is a pair of detached hipped roof bungalows. A large pair of semi-detached two and a half storey houses are situated to the south of the appeal site.
- The proposal would give rise to the demolition of the existing garage and carport belonging to no 273, leaving those serving the neighbouring dwelling in situ. A 0.65m gap would be provided between the appeal dwelling as proposed to be extended and the boundary shared with no 275. In itself the three dimensional visualisations demonstrate that the appeal property could be extended in a manner that the proposal would appear subordinate in form to the host dwelling and consequently would not give rise to material harm to the character and appearance of the street scene. In this respect I find no conflict between the proposal and Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LPSS) or Policy G5 of the Guildford Borough Local Plan 2003 (LP) which together require all new developments to achieve high quality design that responds to distinctive local character whilst having regard to a number of design requirements, including the context of design, scale, proportion and form as well as the space around buildings.
- Both nos 273 and 275 currently have first floor dormer windows serving habitable rooms facing each other and therefore there is already a degree of mutual overlooking and restricted outlook. The proposal would improve the former situation as an obscured window is proposed on the appeal dwelling, however I note from the plans that the first floor element of the proposal, would bring built form 1.4m closer to no275 and its respective window accordingly.
- No assessment has been provided upon the reduction of outlook from said window and whilst I note that the proposal has been designed so

that the roof line is below that of the existing structure; and with the front set back from the existing, the remaining space between the two properties would be further eroded. Therefore I cannot agree that there would be no greater impact than the existing situation and I consider 3.6m between the proposed first floor extension and the dormer it would face to be inadequate, particularly bearing in mind the increase in width proposed over and above the existing situation.

- I sympathise with the appellant's frustration at the level of service that they have received from the Council although ultimately that does not affect the substance of my assessment of the appeal. It may well be that drawings were misinterpreted, however it has fallen upon me to view them afresh, having regard to the two main issues as highlighted within the decision notice. I have found in favour of the appellants in respect of the impact of the proposal upon the character and appearance of the area; however this does not outweigh the harm that would result upon the material erosion of outlook from no275. I therefore find that the proposal conflicts with LP Policies G1 (3) and H8 which together require the amenities enjoyed by occupants of buildings are protected from un-neighbourly development as well, as the National Planning Policy Framework which requires developments to create a high standard of amenity for existing and future users (paragraph 130.f).
- Having to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

16.Mr David Moore

Katrine, Forest Road, East Horsley, KT24 5ER

22/P/00050 – The development proposed is two storey front and rear extension.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the effect of the proposed extensions on the character and appearance of the existing dwelling and surrounding area;
- The effect of the proposed fence and gates on the character and appearance of the surrounding area; and
- The effect of the proposal on the living conditions of the occupiers of the neighbouring property, Green Trees, with particular reference to light, outlook and privacy.
- The appeal property is a two storey detached dwelling which is located in a large plot. The surrounding area comprises mainly detached houses of individual design and appearance, most of which are spaciouly sited

within well landscaped plots. The appeal property and 'Green Trees' to the north, are located centrally within their plots with large front gardens and a generous set back from Forest Road.

- The Council's Supplementary Planning Document: Residential Extensions 2018 (SPD) whilst not statutory, provides useful guidance on the design of householder extensions. It advises that generally an extension or alteration should be subordinate to and in character with the existing dwelling and should not over-dominate or be discordant with the main property. It also advises that the height of an extension should normally be lower than the height of the original building and set back from front elevations.
- The proposed rear extension is of considerable size and scale. It would extend beyond the existing two storey rear wall of the dwelling by between about 4.9 and 6.8 metres and would have a width of around 6.8m. The eaves and ridge height of the extension would be the same as the existing dwelling.
- In my view, the proposed extension would dominate the rear of the existing dwelling and would not appear subordinate to it. The proposed extension would fail to respect the original scale and mass of the dwelling due to its excessive width, depth and equivalent height. I therefore find that the proposed extension would be harmful to the character and appearance of the host dwelling and would conflict with the design guidance set out in the SPD.
- The proposed rear extension would not be readily visible from any public vantage points although filtered views of it would be obtainable from neighbouring dwellings. An extension of the size, scale and height proposed would stand out as a dominant feature within its immediate surroundings and as such would be harmful to the character and appearance of the surrounding garden environment.
- The proposed first floor front extension would be above an existing single storey garage. It would have a depth of about 4.63 metres and a width of just over 4 metres. Whilst the eaves height of the extension would be the same as the host dwelling, the ridge height would be lower. Whilst relatively large I am satisfied that the proposed front extension would be subordinate in appearance to the main dwelling and would not appear overly dominant. Furthermore, its design and appearance would reflect that of the existing dwelling.
- Whilst the first floor extension would extend a considerably distance forward of the main two storey dwelling, I do not consider that it would be unduly prominent in the street scene due to the distance that the

dwelling is set back from Forest Road. Overall, I find the front extension would not be harmful to the character and appearance of either the host dwelling or the surrounding area and would comply with the aims and objectives of the SPD.

- However, notwithstanding my finding on the first floor front extension, I conclude for the reasons given above, that the proposal would have a harmful effect on the character and appearance of the existing dwelling and the surrounding area. Thus, it would be contrary to Policy G5 of the Guildford Local Plan 2003 (LP), Policy EH-H7 of the East Horsley Neighbourhood Plan 2017-2033 (NP), the SPD and paragraph 130 of the National Planning Policy Framework (2021) (the Framework) which collectively seek to deliver good design which respects its context and protects the character and appearance of the surrounding area.
- Fence and gates of about 1.55m in height are also proposed to the front of the site. The fence would be in a similar position to the existing picket fence however the proposed gates would be set back deeper into the site.
- As with the existing picket fence, the proposed fence would be set back from the road frontage. A large tree to the front of the fence would be retained and would in part screen and soften the appearance of the fence which is proposed to be of solid construction. Due to the set back of the fence and the gates, in my view the development would not be unduly prominent in the street scene and longer distance views of it would also be partly screened by vegetation to the front of the neighbouring properties which is adjacent to Forest Road.
- Whilst I acknowledge that many of the dwelling along Forest Road have landscaped frontages, I also noted on my site visit that several dwellings along this stretch of Forest Road have well established fences of around 1.8 metres in height along their front boundaries which are more prominently located than the appeal proposal. The proposed fence and gates would have a height of 1.55 metres and would not be incongruous or out of character with other means of enclosure in the area. Furthermore, due to their siting back from the road frontage and intervening features, I am satisfied that the proposed fence and gates would not be materially harmful to the landscaped character and appearance of Forest Road. I therefore find that this aspect of the proposal would comply with Policy G5 of the LP, Policy EH-H7 of the NP and the Framework insofar as these policies seek to ensure that development integrates into the existing townscape and landscape.

- The SPD also seeks to protect the privacy and amenity of neighbouring occupiers. It states that where buildings are located adjacent to one another, the Council will apply the 45 degree guide to assess the loss of light to a dwelling and to determine if an application will cause any adverse effects on the existing and on neighbouring properties.
- According to the information before me, the proposed extensions would not appear to interfere with the 45 degree guide drawn from the centre of windows on the front and rear elevation of Green Trees and the proposal would comply with the SPD in this respect.
- Furthermore, the amount of light received by windows on the rear elevation of Green Trees would already be affected by the high vegetation that runs along the boundary between the two properties. I am therefore not convinced that the proposed extension would significantly worsen levels of light received. Whilst I note that the closest first floor window on the front of Green Trees is recessed compared to the ground floor window, its brick surround would also have some affect on the light received by this window. Given the separation distance between the two dwellings the proposed extension would not, in my view, materially affect the amount of light received by windows on the front of Green Trees. I also acknowledge that there are ground floor windows on the flank elevation of Green Trees, however I understand that these are secondary windows and, in any event, I do not consider that they would be significantly affected by the appeal proposal.
- Whilst the proposed extensions would extend beyond the front and rear elevation of Green Trees, there is a mature planting along the boundary between the dwellings which would help to screen and soften the visual impact of the development. The proposed extensions would also be set in from the side boundary of the site and in my view would not have an unacceptable impact on the outlook from the windows or garden of Green Trees.
- There is a first floor bedroom window proposed on the flank elevation of the proposed rear extension. This window would allow close views into the garden and rear conservatory of Green Trees. Although there is screening along the side boundary, this would not sufficiently prevent overlooking from the first floor window which I consider would be harmful to the living conditions of the occupiers of Green Trees.
- I note that the appellant has stated a willingness to accept a condition requiring this window to be obscure glazed. However, I do not consider that this would be appropriate as the window serves a bedroom where

obscure glazing would result in the room having no outlook and consequently a poor living environment for any future occupiers of it.

- In conclusion on this issue, whilst I have found that the proposed extensions would not have a harmful effect on the living conditions of the occupiers of Green Trees with reference to light and outlook, the proposal would result in material harm to the privacy of the adjoining occupiers in terms of privacy. It would therefore conflict with Policy G1(3) of the LP, the SPD and paragraph 130(f) of the Framework which together seek to protect the amenity and privacy of adjoining neighbours.
- For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

17.Mr Anthony Stuart

Land Lying to the south of Littleworth Road, Tongham, also known as Land at Appin Lodge, Long Hill, The Sands, Farnham, GU10 1NQ

EN/19/00247 – The notice, numbered EN/19/00247, was issued on 18 January 2022.

•The breach of planning control as alleged in the notice is, without planning permission operational development consisting the erection of a building.

The requirements of the notice are to:

- i) Demolish the building hatched in black on the plan attached to this Notice.
- ii) Remove all material resulting from compliance with step i).

The period for compliance with the requirements is two months.

The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Delegated Decision – To Refuse

Decision –PART REFUSED/PART ALLOWED

Summary of Inspector's Conclusions:

- The main issues are whether the building amounts to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (NPPF) and relevant development plan policy;
- the effect on the openness of the Green Belt; and,
- if the development is inappropriate, 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 required to justify the development.

- A retrospective application for the erection of a detached outbuilding following demolition of an existing building, was dismissed at appeal on 4 October 2021. That outbuilding is the subject of the enforcement notice.
- Such a recent appeal decision is clearly a material consideration and regard should be had to it.
- The land to which the enforcement notice relates lies within the Metropolitan Green Belt. The NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (LP) and the NPPF state that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a list of exceptions. The exception in dispute in this case is *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'*².
- The appellant argues that the Council has erroneously declined to acknowledge the existence of a lean-to store that was attached to the former outbuilding before its replacement with the existing garden room. Nevertheless, that was considered in the previous appeal decision where the Inspector's attention was similarly drawn to a structural survey from 1986, which refers to a *'very rough timber and corrugated iron store to the rear of the building'*. However, the Inspector highlighted that the document does not give dimensions for the structure, and it is not supported by photographic evidence, and that it was also unclear when this store was removed, thereby limiting the weight which could be afforded to that consideration.
- It appears that the only differing evidence before me is a signed statement by the appellant who acknowledges that he has no verifiable information as to the size of the lean-to shed but states that it ran to the width of the outbuilding (5.2m), it had a wooden door on the eastern site (thereby giving an indication of its height) and a corrugated roof and depth of around 3m. He states that the shed/store was demolished in 2019 at the same time as the brick outbuilding.
- The appellant's signed statement is purported to be an affidavit but does not include a sworn oath. The covering letter appears to refer to the submission as a statutory declaration but, as it is not witnessed by a solicitor, commissioner for oaths or notary public, it cannot be³. I note the positions held and currently held by the appellant, who is clearly a person of repute. Nevertheless, an unsworn signed statement, to which no sanctions apply, carries limited weight.

- The photograph⁴ in the appellant's design and access statement shows the pre-existing building at an angle, such that the side elevation can be seen. There is no indication in that photograph of a structure to the rear of the building. If it was 3m deep and ran to the full width, as stated, I would expect to be able to see some part of it. What is evident from the comparative photograph of the existing building from roughly the same location, is the marked differences in the width and height of the buildings.
- The evidence remains that the building is materially larger than the one it has replaced. It follows that I find no reason to disagree with the previous Inspector's finding that the building constitutes inappropriate development in the Green Belt for the purposes of the NPPF and LP Policy P2. That conclusion is not altered because the building complies with the additional definition of LP Policy P2 in that a new building will only constitute a "replacement" if it is sited on or in a position that substantially overlaps that of the original building.
- The NPPF explains that the fundamental aim of Green Belt policy is to *'prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*⁵.
- As the building is materially larger than the one it replaced, it follows that there is a greater spatial impact on the Green Belt. The aforementioned photographs of the principal elevation of the existing building compared to the pre-existing building also show that the visual aspect is also significantly increased.
- Consequently, there is both a spatial and visual loss of openness to the Green Belt. My conclusion on this issue is consistent with that reached by the previous Inspector.
- I have found that the building amounts to inappropriate development within the Green Belt and reduces its openness. The NPPF states that substantial weight will be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
- It is evident that for the previous appeal the appellant raised the issue of a fallback position whereby a garden building with a larger footprint could be erected under permitted development rights. However, the Inspector attached only very limited weight to that argument due to a lack of supporting evidence.

- Since the previous appeal decision, the Council has granted a certificate of lawfulness of proposed development⁶ (LDC) for a detached outbuilding in the north east corner of the property.
- The appellant submits that is a valid fallback position and being larger would result in a much more harmful impact on the Green Belt, neighbouring properties and the AONB, than the existing outbuilding.
- The appellant has also suggested that to ensure against harm to the Green Belt from two outbuildings (arising from a successful ground (a) appeal), Class E permitted development rights⁷ could be removed by way of condition. Doing so would meet the tests of reasonableness and necessity in this case otherwise any fallback argument would be negated.
- Although the height is similar, the footprint of the LDC building would be significantly greater than the appeal building. There would therefore be a corresponding increased effect on the Green Belt and its openness. Given the degree of screening provided by the main dwelling and surrounding woodland, the overall effect on the AONB would not be significantly different. For the same reasons and because of the separation distances, the LDC building would not materially affect the living conditions of the occupants of the nearest residential properties. For most of the appeal property, the existing building would have a greater degree of visibility but for the reasons explained below, the LDC building would be harmful to the setting of the main dwelling. Therefore, in overall terms, the LDC building would be a less desirable outcome than the appeal building.
- Various court cases have considered the concept of fallback development as a material consideration. In the case of *Mansell*⁸, the Court of Appeal confirmed that there should be a 'real prospect' of a fallback development being implemented and that the decision-maker should exercise their planning judgment as to whether that would be the case depending on the particular circumstances. The basic principle is that a real prospect does not have to be probable or likely: a possibility will suffice.
- In *Gambone*⁹ a two-stage approach was set out. Firstly, is there greater than a theoretical possibility that the development might take place (the 'real prospect' test)? If so, what weight should be ascribed to the fallback position.
- Presently, the area to the north east of the dwelling is occupied by an outdoor swimming pool surrounded by a hard landscaped poolside area, finished to a very high standard. At the time of my site visit, the area at the head of the pool accommodated sun loungers and an umbrella, reflecting its poolside function. The space is largely enclosed by lattice

fencing, beyond which the land falls away to the nearby property boundary. In combination with the woodland area, the existing layout provides an attractive setting to both the dwelling and swimming pool.

- Although the LDC block plan shows the building in relation to the main dwelling, its position and relationship with the existing swimming pool and poolside space is not. Based on my own observations, it is highly likely that the building would run very close to the top of the swimming pool, if not cut across the top corner of it. Even if the pool itself would not be physically affected, the size and siting of the building would visually dominate the pool, and what would remain of the poolside area, as well as compromise circulation around it. Moreover, given the proximity, the building would also harm the setting of the main dwelling and adversely affect the outlook from it. Those amount to very significant drawbacks to the implementation of the LDC scheme.
- I recognise that given the existing and pre-existing provision, it is clear that the appellant requires an outbuilding at his property. I therefore accept that if the appeal building has to be demolished, then it is logical and possible that the appellant would seek to replace the lost floor space elsewhere on the site.
- However, the LDC building would do much more than replace lost floor space; it would effectively double the existing provision.
- Given that the appellant is seeking to retain the existing building, it is reasonable to deduce that he is content with the existing floorspace provision. Indeed, the appellant explains that the LDC building would be used for similar purposes to the appeal building. Those issues raise questions as to why the LDC building is comparatively so large and whether doubling the existing provision is so important to the appellant that he would wish to significantly compromise the existing pool and poolside area, and the setting of the main dwelling.
- There is no rule of law that, in every case, the real prospect will depend, for example, on the developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. Nevertheless, in the particular circumstances of this case, it is clearly relevant to the question as to whether there is a real prospect of it being built, or whether it is, as suggested by the Council, a strategic attempt to secure planning permission for the appeal building.
- In my judgement, based on the particular circumstances of this case, the LDC development is merely a theoretical prospect and there is no real prospect of it being implemented. Consequently, the LDC development attracts very limited weight as a fallback position.

- The appellant has further stated that he would be prepared to remove the existing 4m x 3m glass conservatory that is attached to the south eastern elevation of the host dwelling. That would assist in terms of off-setting the harm to openness, although no mechanism has been advanced for achieving the same and I am unaware of what other permitted development rights may remain available to the appellant.
- Even if neighbours expressed support for the previously appealed planning application, Seale and Sands Parish Council have confirmed its objection to the development. Although, I have no evidence that the site is affected by the Thames Basin Heath Special Protection Area, as stated by the Parish Council, it does lie within the Surrey Hills Area of Outstanding Natural Beauty (AONB) and an Area of Great Landscape Value (AGLV).
- Effects on the same do not form part of the reasons for issuing the enforcement notice and I note that the previous Inspector found that the outbuilding preserves the landscape and scenic beauty of the AONB and AGLV. Based on my own observations, I find no reason to reach a contrary position on those findings. Moreover, given its location relative to the nearest neighbouring dwelling, the outbuilding has no discernible impact on the living conditions of occupants of the same. The lack of such harms are neutral matters in the Green Belt balance.
- Drawing the above together, the other considerations – taken individually or together – do not outweigh the harm caused to the Green Belt by reason of inappropriateness, which must carry substantial weight. The very special circumstances necessary to justify allowing the deemed planning application do not exist. The development is therefore contrary to LP Policy P2 and the NPPF.
- For the reasons set out above, I conclude that the building is contrary to the development plan taken as a whole, and the NPPF. The material considerations do not indicate a decision other than in accordance with the development plan.
- The ground (a) appeal should not succeed, and I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
- The ground (g) appeal is that the two months given to comply with the notice is too short to arrange for the disassembling of a building which is connected to all main utility services and is a fully equipped gym/garden room with a separate shower room. The appellant submits that to obtain the services of a builder within such a short time period would be impossible given the huge demand/back log on the building trade as we

come out of the Pandemic. The appellant requests a period of six to nine months.

- Although I agree, for largely the reasons expressed by the appellant, that a period of two months is too short, a period of nine months is unjustified. Six months would strike a reasonable and proportionate balance between any difficulties the appellant may encounter in carrying out the requirements of the notice and the public interest in this case.
- I shall vary the enforcement notice accordingly. The appeal on ground (g) succeeds.

18.Mr and Mrs Wood

69 Sheeplands Avenue, Guildford, GU1 2SJ

22/P/00981 – The development proposed is a two storey side extension following the demolition of the existing single side extension and part single/two storey rear extension following the demolition of the existing rear single storey conservatory.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the development on the character and appearance of the area.
- Sheeplands Avenue is formed of pairs of semi-detached properties with single storey projections to the side. The scale and form of the side projections maintains a visual separation between the properties and contributes to the regularity and rhythm of the street scene. No.69 is a semi-detached pair with No.71 and is reflective of this form, it is sited opposite the end of Four Acres and as such is seen in various views.
- The Council's Residential Extensions and Alterations: Guildford Borough Council Supplementary Planning Document 2018 (SPD) explains that the Council seeks a high standard of design to house extensions and to ensure that they are appropriate to the character and appearance of the existing property and the street scene. Specifically in relation to two storey side extensions the SPD advises that as a general rule a distance of at least one metre should be maintained to the boundary which is to prevent a terracing effect and changes to the character of an area.
- To the front the two-storey extension would be set back and down from the host property, and to the rear it would be slightly angled away from No.67. Nonetheless, the extent of these features is limited, and the extension would infill the entire gap up to the side boundary. The extension would sit alongside the single storey pitched roofed extension

to No.67 which has recently been constructed and is on higher ground. The proposal would create a continuous built form and the loss of space at the upper level would visually disrupt the existing pattern of development.

- I acknowledge that there are some properties within the surrounding area which benefit from side extensions. From my observations, where these occur along Sheeplands Avenue generally they have greater subservience, or a gap is maintained to the boundary. Additionally, the examples referenced by the appellant were mostly permitted several years ago. Moreover, they are found sparingly in the wider area and, in my opinion, have not altered the prevailing character of the area. Thereby their existence does not persuade me that the appeal proposal would be appropriate, and each case is to be considered on its own merits.
- Overall, I find that the proposed side extension would erode the spacing between the semi-detached properties and the resultant visual terracing effect would be harmful to the character and appearance of the area.
- I therefore find conflict with policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and, saved policies G5 and H8 of the Guildford Borough Local Plan 2003, which among other things, requires new development to be respectful, proportional and reflect patterns of development and distinct local character. As such, the proposal would also conflict with the advice in the SPD and with Government Policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021 and the National Design Guide.
- For the reasons set out and having regard to all other matters raised the appeal is dismissed.

19.Mr and Mrs Stancliffe

Owls Hatch, Elstead Road, Seale, GU10 1JD

22/P/00055 – The development proposed is a single storey 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 Metropolitan Green Belt (Green Belt) having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect it has upon the openness of the Green Belt;

- the effect of the proposal on character and appearance of the main dwelling and area; and
- if the development is inappropriate 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 circumstance necessary to justify the development.
- The appeal site is located at the edge of a large clearing within a mature woodland. The woods extend away to the front and rear of the site and on the opposite side of Elstead Road. To the side of the site, separated by fencing, is a large open field defining the clearing.
- The dwelling on the appeal site is detached, two-storey and positioned at right angles to Elstead Road accessible from a track which runs in front of it. To the rear of the main dwelling, linked by a short section of wall is a hipped roof outbuilding which has a garage door that faces towards Elstead Road. Beyond the outbuilding is a high wall which delineates the edge of the rear garden. Between Elstead Road and the outbuilding and wall is another area of outdoor space and a mature hedgerow, with gated access to the garage door.
- Paragraph 149 of the Framework states that the construction of a new building is inappropriate in the Green Belt but sets out 7 exceptions to this. On review of the evidence before me I am satisfied that the proposed extension should be considered under paragraph 149 c). This allows for the extension or alterations 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 (SLP) refers directly to the tests of the Framework.
- The proposal would constitute a little over 40% increase in floor space from the original building. Nevertheless, it would infill the open space which exists between the main dwelling and outbuilding and extend the length of the outbuilding considerably. This would mean the proposal would have a similar overall footprint to the main dwelling and would significantly extend the built form on the site beyond that which is existing.
- The proposal would be single storey. However, it would be taller than the existing outbuilding and would be clearly visible above the boundary wall. This along with the proposed elongated form would result in a substantial extension which would disproportionately relate to the main dwelling and would be considerably larger than the outbuilding it would subsume.

- Consequently, although appreciated that mathematically the proposal would not be excessively large, the location, length, height, and form of the proposal would create an extension which would appear both visually and physically disproportionate in size to the original building. The proposal would not, therefore, comply with Paragraph 149 c) of the Framework.
- The positioning of the existing garden wall and outbuilding creates a visual barrier across the site. However, the impact of these features, spatially, is limited due to the very open aspect across the adjacent field and associated clearing. The proposal would extend above and along the boundary wall for some distance. This combined with the loss of the space between the main dwelling and outbuilding would visually and spatially reduce the openness of the site, and thereby fail to preserve the openness of the Green Belt it is part of.
- In conclusion, the proposal would constitute inappropriate development which would fail to preserve the openness of the Green Belt. It would not comply with SLP Policy P2 and the Framework. As set out in paragraph 147 of the Framework inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, a matter which I will return to below.
- The proposal seeks to create a modern single storey extension to the main dwelling to extend the living space for the occupants. It would be finished in red brick, a material used in the quoins and a small section of the upper floor of the main dwelling.
- The proposed materials and pitch of the extension roof would be like that of the main dwelling. However, the use of a parapet wall and lack of eaves would undermine these similarities and create an unbalanced roof to wall ratio, at odds to the proportions of the main dwelling. The proposed detailing, including brick panels and columns, full height glazing, and recessed porch and window elements, would also visually dominate the more subtle and delicate features of the main dwelling.
- The proposal would, therefore, fail to respect the scale, design, and character of the main dwelling. The proposed encompassing of the retained, largely pale stoned, rear wall of the outbuilding and associated connecting wall, with red brick would create a visually difficult transition from old to new. This would harm the overall appearance of the appeal site.
- For these reasons the relationship between that proposed and the main dwelling would be awkward, and the subservient relationship of outbuilding lost. Which, in turn, impact on the setting of the appeal site

by increasing its physical presence within the space between woodland and clearing, thus reduce the legibility of that visual transition. The proposal would, therefore, fail to respond to the distinctive appearance of the main dwelling, its rustic cottage character, and bucolic setting.

- The none pastiche treatment of the extension is noted. However, this does not mitigate my findings.
- In conclusion, the proposal would harm the character and appearance of the main dwelling and area. This would be contrary to SLP Policy D1 and Policy G5 of the Guildford Borough Local Plan 2003 (LP) insofar as they seek new development to achieve a high quality of design that responds to the context, scale, proportion and form of the surrounding buildings and environment.
- The appeal site is in the Surrey Hills Area of Outstanding Natural Beauty (AONB). AONBs are designated for the purposes of conserving and enhancing natural beauty and Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes in this decision. The Council did not object to the appeal scheme in this regard and I agree that due to the location and overall size of the appeal site it would not harm the special qualities of the AONB. It is also appreciated that the proposal would not cause harm to the living conditions of the occupants of nearby properties. Nevertheless, both these considerations would constitute a lack of harm which is a neutral factor and so does not weigh for or against the proposal.
- The positive impact that the proposed additional living space would have for the appellant and their family is noted, however as this would largely constitute a personal benefit, it only attracts a very limited weighting.
- Consequently, these other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness and impact on openness, and the character and appearance of the main dwelling and area. Therefore, the very special circumstances necessary to justify the development do not exist.
- For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

20.Mr Alfie and Katie Atkinson

Wealdover, 84 Guildown Avenue, Guildford, GU2 4HB

22/P/00008 – The development proposed is a single storey side extension part single and part two storey front extension and roof alterations.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the effect of the development on the host property and the character and appearance of the area.
- Guildown Avenue is a private road of large, detached dwellings set within spacious plots. Each property is individual and exhibit a range of architectural styles and materials. The appeal property (No.24) occupies an elevated position with the properties to the other side of the road on lower ground and those opposite the appeal site are single storey.
- The appeal property is traditional in form with red bricks and a clay tiled pitched roof. The elevation to the road has a projecting glazed two storey feature which extends up to the eaves which the appellant explains was originally an open balcony. Along the front boundary is a wall with hedging and vegetation in front which provides screening. However, due to the ground levels the upper storey and roofscape are visible and the property has a notable presence in the street scene.
- A large box type dormer is proposed to the front roof slope extending off the new higher ridge line. It would be inset from the flank elevations, nonetheless, it would dominate the roof and the scale, positioning, size of the windows and flat roof form of the dormer are contrary to the advice in the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD).
- The existing front projection would also be altered, extending above the eaves creating a terrace to the bedroom in the roof with a glazed balustrade extending across part of the dormer adding to the bulk at roof level.
- Both the dormer and clad projection are conspicuous features which would be further accentuated by their juxtaposition and the materials. In my view, these elements would fail to assimilate with the host property and their scale and form would overwhelm the frontage and would be at odds with the existing character of the property. Other alterations which include a single storey side extension and changes to the existing fenestration follow the form of the existing property and I agree with the Council would be acceptable.
- I acknowledge that features and materials such as zinc and timber cladding, flat roofs, second floor extensions and balconies are found in the locality. However, each proposal is to be considered on its own merits and the properties along Guildown Avenue are unique. The examples I have been directed to by the appellant are not comparable to

the appeal property and several relate to new dwellings. I accept that contemporary additions can work with traditional, however the concerns here relate to the integration and cohesion with the existing property, rather than the form and materials of the specific elements.

- Whilst the main entrance to the property is to the rear, this does not alter the importance of the relationship between the south elevation and the road. I agree that the existing front projection is not overly sympathetic, but it is subservient. In contrast, I find the alterations to the frontage and the dormer would be prominent and incongruous features which would be significantly harmful to the appearance of the host property and visually intrusive in the street scene.
- In conclusion, the appeal proposal would have an unacceptably adverse effect on the character and appearance of the host property and the street scene. It would therefore be contrary to saved Policy G5 of the Guildford Borough Local Plan 2003 and the Council's SPD which amongst other things seek high quality design, and to respect the character and appearance of the existing dwelling and surrounding area.
- For the reasons set out and having regard to all other matters raised the appeal is dismissed.

21.Mr B Wales (Bryden Homes Limited)

Buren, Surrey Gardens, Effingham Junction, Leatherhead, KT24 5HF

21/P/02158 – The development proposed is demolition of existing garage to provide access and erection of 1 No 3 Bedroom House in rear garden.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the potential effect of the proposed development on bats; and,
- Whether it would make sufficient provision for sustainable construction.
- The appeal site includes a number of trees of varying size, a pond on one boundary, and several outbuildings. The Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (the Report) acknowledges that bats, all species of which are protected, are likely to be present in the area. Two of the outbuildings to be demolished are acknowledged as having some potential for use by roosting bats. The report recommends that an emergence and re-entry survey be carried out to determine whether either building is in use by roosting bats.
- No such survey has been provided with the appeal, and at the time of this decision the Report is 3 years old and its findings regarding the site

may no longer be accurate. The appellant refers to a bat survey being organised in their design and access statement but have not provided this with the appeal.

- I have considered whether this matter could be addressed by an appropriately worded condition. However Circular 06/2005 Biodiversity and geological conservation states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Accordingly, this matter cannot be addressed by condition.
- In the absence of full, up to date information it is not possible to say that the development would not be harmful to bats. Accordingly, the appeal proposal conflicts with saved Policy NE4 of the Guildford Borough Local Plan 2003. This policy states that permission will not be granted for any development that would be liable to cause any demonstrable harm to a species of animal or plant or its habitat, protected under British law.
- Policy D2 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 requires, amongst other criteria, that new buildings must achieve a reasonable reduction in carbon emissions of at least 20 per cent measured against the relevant Target Emission Rate. The appellant has not submitted any information to show how this reduction could be achieved. I have considered whether this could be secured by an appropriately worded condition, if I were otherwise minded to allow the appeal. However, in the absence of any details it is not possible to say with certainty that such a condition would be enforceable and precise. Accordingly, the appeal proposal would conflict with the identified criterion of Policy D2.
- The appeal site lies within the 5 kilometre buffer zone around the SPA. Had I otherwise been minded to allow this appeal, it would have been necessary as the competent authority to carry out an appropriate assessment to determine whether the appeal proposal would be likely to result in significant adverse impacts to the integrity of the SPA. However, as I am dismissing the appeal on other substantive grounds it is not necessary to consider this matter further.
- The appeal proposal would result in the creation of 1 new dwelling. This weighs in favour of the development, as it would support the Government's objective of significantly boosting the supply of homes. However, it is not possible to say there would be no harm to bats from the proposed development, or that it would achieve the required 20 per cent reduction in carbon emissions. These matters outweigh the benefit

arising from the creation of 1 new dwelling. There are therefore no material considerations to indicate that this appeal should be determined other than in accordance with the development plan.

- For the reasons set out above, the appeal fails.

22.Mr Daniel Levene

56 Yew Tree Drive, Guildford, GU1 1NY

22/P/00378 – The development proposed is the erection of a two-storey side extension following demolition of existing attached outhouse.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the development on the host property and the character and appearance of the area.
- Yew Tree Drive is a residential road which loops around and has a mixture of semi-detached and terraced properties. No.56 is a semi-detached property located to the southern side of the road within a straight run of properties comprising Nos.50 to 68 (evens). It appears to be in its original form with a small outhouse projection to the side. The neighbouring property, No.58, has been fully extended to the side with just the width of a gated access to the shared boundary.
- The Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD) provides general design rules for extensions. In relation to a two storey side extension it advises that they should: not be visually dominant; in keeping with the design of the original house; not exceed half the width of the house; be set back from the front building line; and maintain a gap of at least one metre to the boundary.
- The proposal would introduce a two-storey side extension which would also project to the rear. The design of the extension would be in keeping and proportionate to the host property. However, it would only be very marginally off set and would infill the entire space up to the boundary and visually would appear as the pair of semis (Nos.56 & 54) are a continuation of the neighbouring terrace.
- There is some variation in the building line with the appeal property sited forward of the neighbouring terrace and thereby the extension would not be visible in views from west. But from opposite, and in views along the road from the east the extent of the development would be noticeable and would have an adversely impact on the appearance of the street scene through the terracing effect.

- A number of properties along Yew Tree Drive have two-storey side extensions. From my observations generally where these occur there is more space around the property and/or a change in alignment. Nevertheless, there are some example of extensions similar to the appeal proposal. From the planning history details provided by the appellant these were permitted prior to the SPD, and some spacing is maintained as the neighbouring properties have not been extended. I have not been directed to, nor did I see, any incidents where adjoining properties have been extended as would be the case here. As such the proposal is different as the resultant loss of any meaningful gap would change the relationship between the properties and the character of the area which the SPD seeks to avoid.
- Overall, I find that the development would have a harmful effect on the character and appearance of the area. It would therefore fail to accord with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 and, saved policies G5 and H8 of the Guildford Borough Local Plan 2003, which among other things, seeks high quality design and to reflect patterns of development and local character. The proposal would also conflict with the advice in the SPD in relation to the design of two storey extensions.

23.Mr J Rose of Portchester Estates

285 Stoughton Road, Guildford, GU2 9PR

21/P/01748 – The development proposed is erection of new commercial building following demolition of existing and associated works.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on highway safety.
- The appeal site is located on Stoughton Road close to Stoughton Infant and Nursery School. I saw on my visit that there are frequent traffic and pedestrian movements along Stoughton Road. Although there are parking restrictions on this section of the road, there is a large parking bay opposite the appeal site, as well as the vehicular and pedestrian entrance to the school. The pavements are generally narrow.
- I acknowledge that the proposal would retain the existing business and storage use on the site and that both parties agree there would be no material increase in the intensity of the use. Also, that there would be no change to the vehicle access for the site, including the existing gates.

Nevertheless, the existing building, which is in a poor state of repair and is largely a single volume space, would be replaced with a new building. The new premises would be constructed to modern standards with additional floorspace for improved staff facilities, including a staff room with kitchenette and an ancillary storage area and office space, as well as enhanced ICT infrastructure. This type of building is likely to have a substantial life span and I must consider the future of the development including the likely possibility that it would be occupied by someone other than the current owner and by a business that could operate differently to the existing one.

- Furthermore, I have no information as to the legislative or policy context applying at the time that the existing use was established, or the existing building was built. The Council's Vehicle Parking Standards Supplementary Planning Document (2006) set out the current parking requirements for these types of buildings. They require B8 Storage and Distribution uses to provide 1 lorry space per 200m² of Gross Floor Area (GFA), which is a reasonable expectation for this type of development. Although the footprint/Gross External Area (GEA) of the new commercial building at 294.2m² would be less than the existing building, its GFA would be greater than 200m² and the proposal would therefore require a lorry space.
- There is no evidence before me that the layout of the site could accommodate a lorry space of 15m by 3.33m. There is also no evidence that a lorry could manoeuvre on site to enable it to exit the site in a forward gear. While I recognise that the standards set out in the SPD are maxima, in the absence of a lorry space and adequate turning area, lorries would likely either load and/or unload from the highway or would have to reverse onto the highway after loading and/or unloading on site. Such manoeuvres would not only be likely to impede the free flow of traffic but also result in conflict with other highway users, including pedestrians, and could involve children or the elderly, as well as other vehicles. Given the frequency and variety of vehicle and pedestrian movements that would take place along Stoughton Road, particularly those associated with the school, the risk of conflict is significant and subsequently the proposal would have an unacceptable adverse impact on highway safety.
- This would be further exacerbated by the position of the existing gates, which, if closed, would force any vehicles to remain on the carriageway and possibly across the narrow footway until the gates were opened. The proposal would provide a separate pedestrian gate to reduce the risk of

conflict between pedestrians and vehicles entering the site. However, while this would be of benefit, it would not address the harm to highway safety that I have identified above. I note the appellants view that the gates do not form part of the application, however they fall within the red line of the application as shown on the submitted Location Plan.

- While conditions could be used to limit vehicles movements, it would not be sustainable to permit a development that could not be used to its full potential or capacity in the future.
- I have found that in the absence of any evidence demonstrating that lorries could be parked on site and manoeuvred successfully to exit in a forward gear, the proposal would have an unacceptable adverse impact on highway safety. It would conflict with Policy ID3 of the Guildford Local Plan: Strategy and Sites (2019). This seeks, amongst other things, to ensure that off-street parking for new development is provided such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users.
- A Grade II listed building, the Keep and the attached gateway are located relatively close to the site further along Stoughton Road. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses. I also acknowledge that concerns were previously raised by the Council regarding the effect of the proposal on the setting of the Stoughton Barracks Conservation Area (SBCA) and the living conditions of the occupants of neighbouring residential properties with particular regard to noise, disturbance and privacy. However, given that I am dismissing the appeal due to concerns in relation to highway safety, these matters do not, in any event, alter my overall conclusions.
- Therefore, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

24.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 considerations 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.

25.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, 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 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.

26.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.

27.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 considerations 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, 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 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.

28.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.

29.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.

30.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.

31.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.