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## Appeal Decision

Site visit made on 11 October 2016

**by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 07 November 2016**

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**Appeal Ref: APP/Y3615/W/16/3152500**

**Cedar Cottage, Tintells Lane, West Horsley, Surrey KT24 6JD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr G Mundy against the decision of Guildford Borough Council.
  - The application Ref 16/P/00034, dated 6 January 2016, was refused by notice dated 1 March 2016.
  - The development proposed is for the erection of a detached 4-bedroom dwelling with integral garage.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached 4-bedroom dwelling with integral garage at Cedar Cottage, Tintells Lane, West Horsley, Surrey KT24 6JD in accordance with the terms of the application Ref 16/P/00034, dated 6 January 2016, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
    - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WVH-JEA-001-D and WVH-JEA-002-D.
    - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
    - 4) No construction site machinery or plant shall be operated and no construction related deliveries shall be taken at or despatched from the site outside the following times: 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. There shall be no construction site machinery or plant operated at the site and no construction related deliveries shall be taken at or despatched from the site at any time on Sundays, Bank or Public holidays.
    - 5) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
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- 6) Development shall not begin until surface water drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, the hardstanding area hereby permitted on the frontage shall have a permeable (or porous) surfacing which allows water to drain through, or surface water shall be directed to a lawn, border or soakaway, so as to prevent the discharge of water onto the public highway and this should be thereafter maintained.

### **Procedural matters**

2. The appeal site is within 2-5 km of land in the Thames Basin Heaths Special Protection Area (TBHSPA). Amongst other things planning permission was refused on the grounds that, in the absence of a legal agreement on avoidance works and access/management and monitoring, the Council was not satisfied that there would be no harm to the integrity of the TBHSPA. The appellant has since entered into a Section 106 Agreement with the Council on this matter so this ground of objection has been overcome.

### **Main Issue**

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

### **Reasons**

4. Policy RE2 of the Guildford Borough Local Plan (2003) (GBLP) says that within the Green Belt new building will be deemed inappropriate unless, amongst other things, it comprises infilling in villages to the extent specified in Policy RE3. This policy states that within the boundaries of settlements in the Green Belt, such as West Horsley, development of an appropriate scale and design will be permitted in a small gap in an otherwise continuous built up frontage. The policy is consistent with the National Planning Policy Framework in respect of limited infilling in villages and which are not by definition inappropriate developments in the Green Belt. A caveat of Policy RE3 is that infilling will not be permitted where the development harms the character or appearance of an area.
5. The appeal site is the second plot of a development that has been previously permitted by the Council. In effect, this proposal is a revision to the permitted scheme on the site that proposed a smaller chalet bungalow. Tintells Lane comprises several properties of various styles and plot sizes located either side of the narrow private lane that is devoid of footways and which continues as a public footpath beyond the site. It is an established residential area within the identified settlement limits and within a *washed over* area of the Green Belt. The principal concerns of the Council relates to the effects on character.
6. The proposal would see the erection of a chalet style bungalow that incorporates an integral garage, which differs in scale and design from what has previously been approved. Of particular concern to the Council is the increase in extent of the built form and height which has been brought about by widening the available plot by some 3m. A similar distance from the common side boundary with Cedar Cottage (Plot 1) of some 1.65m would be maintained; however, the appearance of a simple chalet style bungalow has given way to a somewhat bulkier built form.

7. Given the increased width of the plot, the development would not represent overdevelopment and the distances from side boundaries would not be too dissimilar to the distances approved previously albeit on a slightly narrower plot. Importantly however, there would be a modest and gradual increase in the existing built form and massing of properties as development progresses from east to west along the lane. This in my view would be an acceptable response to the street scene. Although the Council argues that similar style dwellings have been permitted in this neighbourhood, I recognise that they do occupy larger plots. However, I am satisfied that the proposed design for this side of the street, including the massing at first floor would be respectful of local character.
8. Accordingly, the proposal would satisfy Policy RE2 of the GBLP in terms of development comprising one of the exceptions within the Green Belt for the purposes of paragraph 89 of the Framework and one which respects the character of the village in terms of Policies RE2 and G5, which together seek amongst other things, to protect local character through respecting established street patterns, plot sizes and relationship with other buildings. The development would also comply with the Council's guidance in the Residential Design Guide: Supplementary Planning Guidance 2004, which seeks to ensure that scale and appearance is in keeping with local context. These policies are consistent with the Framework that seeks to ensure high quality designed developments that respect local distinctiveness.

### **Other matters**

9. Concerns have been expressed by local neighbours that the width of Tintells Lane is narrow and liable to surface water flooding. It is appreciated that problems associated with construction traffic could arise if not carefully managed. A condition requiring the prior approval of a Construction Management Plan would help reduce this potential problem. The planning officer's report confirmed that this area of West Horsley is not a hot spot for flood risk and the Council has advised the use of permeable surfacing for hardstanding areas. No evidence has been provided that supports such claims. However, a planning condition requiring the prior approval by the Council of surface water drainage proposals for the site and its subsequent implementation is necessary to ensure that any localised problems are not compounded by the appeal development.
10. Despite the neighbouring occupier's concerns relating to bringing the development closer to the common boundary, I am satisfied that the proposal would not impinge on levels of privacy.

### **Conditions**

11. In addition to the requirement for prior approval of a construction management plan and surface water drainage details, a condition specifying approved plans is also necessary in the interests of providing certainty. In addition, a condition requiring approval of external materials is necessary in the interests of character and appearance. Given the nature of this residential street, a condition is necessary to restrict hours of construction operation and delivery of materials in the interests of residential amenity.
12. Having regard to the Written Ministerial Statement issued on 25 March 2015 it is not possible to impose the Council's suggested condition no. 4 relating to

energy performance. No evidence has been provided to demonstrate that additional measures are necessary over and above Building Regulations standards.

**Conclusion**

13. Having regard to the above reasons and to all other matters raised in respect of this appeal, I conclude that the appeal should be allowed.

*Gareth W Thomas*

INSPECTOR