
Appeal Decision

Site visit made on 6 June 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/Y3615/W/17/3169872

Land adjacent to 2 Burnt Common Close, Ripley, Woking, Surrey GU23 6HH

- 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 Toby Welburn against the decision of Guildford Borough Council.
 - The application Ref 16/P/01016, dated 15 May 2016, was refused by notice dated 2 September 2016.
 - The development proposed is demolition and replacement of existing garage and the erection of a new attached dwelling on land adjacent to 2 Burnt Common Close.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition and replacement of existing garage and the erection of a new attached dwelling on land adjacent to 2 Burnt Common Close, Ripley, Woking, Surrey GU23 6HH in accordance with the terms of the application, Ref 16/P/01016, dated 15 May 2016, subject to the conditions set out in a schedule on page 5 of this decision.

Preliminary Matters

2. During the course of the appeal a legal agreement under Section 106 of the Town and Country Planning Act 1990 (S106) has been submitted that seeks to overcome the reason for refusal relating to the effect of the proposed development on the Thames Basin Heaths Special Protection Area (TBHSPA).

Application for costs

3. An application for costs was made by Mr Toby Welburn against Guildford Borough Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposed dwelling on the character and appearance of the surrounding area; and
 - The effect of the proposed development on the TBHSPA.

Reasons

Inappropriate development

5. The National Planning Policy Framework (the Framework) confirms that new buildings should be considered inappropriate within the Green Belt with a number of exceptions, including limited infilling in villages. Policy RE3 of the Guildford Borough Local Plan (LP) confirms that Ripley is an identified settlement in the Green Belt and infilling would be permitted subject to a number of criteria, including that it would comprise development of a small gap in an otherwise continuous built up frontage that would not harm the character or appearance of the area.

Character and appearance

6. Burnt Common Close is a modest development of semi-detached two storey houses of a consistent character and appearance situated on the edge of Ripley, with open countryside to the opposite side of Burnt Common Lane. Burnt Common Lane has a more varied character of detached and semi-detached dwellings.
7. The appeal site comprises the side garden of the first house on the junction of Burnt Common Close and Burnt Common Lane, between the dwellings fronting Burnt Common Lane. At present it is mostly open, with a detached single garage and shed in the centre of the site, with a close boarded fence around the site and behind a narrow verge to the junction. It comprises a small gap in an otherwise continuous built up frontage within Ripley. The proposal would result in the provision of a modest two storey house with single storey side extension replacing the existing garage on the site.
8. The proposed dwelling would reflect the design and appearance of the semi-detached dwellings in Burnt Common Close, albeit that it would be detached with a single storey side extension and an integral garage. The existing property is on a spacious site and the additional dwelling would reduce that spaciousness, but would reflect the plot sizes of surrounding development in Burnt Common Close.
9. The location of the dwelling would result in it being visible in the approaches along Burnt Common Lane. In the approach from the north, it would be viewed with the dwellings along Burnt Common Lane to the rear, such that it would not be prominent or adversely affect the appearance of the street. In views from the other direction it would be located approximately in line with other development fronting Burnt Common Lane. Although the topography of the land as it slopes down to the north means that it would be more visible, it would not be sufficiently prominent as to cause harm to the character and appearance of the area. Overall, the dwelling would reflect the pattern of surrounding development.
10. For these reasons, I conclude that the proposed dwelling would reflect the character and appearance of surrounding development and would constitute limited infilling in Ripley, such that it would not comprise inappropriate development in the Green Belt. As such, it would comply with Policies G5 and RE3 of the LP and the Framework that require new development to respect surrounding development and protect the character and appearance of the area.

Effect on the TBHSPA

11. The site lies within the zone of influence of the TBHSPA that is designated under the Habitats Directive. Policy NRM6 of the South East Plan (SEP) requires appropriate avoidance and/or mitigation measures be provided to mitigate the effects of recreational disturbance on those sites from residents of new residential development. The S106 legal agreement confirms that the contributions would be put toward the Council's costs in maintaining and managing areas of Suitable Accessible Natural Green Space (SANGS) pursuant to the strategy and toward Access Management and Monitoring of the TBHSPA.
12. Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) restricts the use of pooled contributions toward items that may be funded via CIL. If five or more obligations for a project or type of infrastructure have been entered into since 6 April 2010 and it is a type of infrastructure that is capable of being funded by CIL, no more contributions may be collected toward that project. As the money would be put toward management and maintenance that does not constitute new infrastructure, it is clear that the contributions would not be caught by the pooling restrictions.
13. For these reasons, I conclude that the financial contributions contained within the S106 legal agreement would mitigate the effects of the proposed dwelling on the TBHSPA. As such, the proposed development would be in accordance with Policies NE1 and NE4 of the LP and Policy NRM6 of the SEP that seek to mitigate the effects of recreational disturbance on the TBHSPA from residents of new residential development.

Other matters

14. A garage and parking space would be provided to the front of the proposed dwelling, along with a replacement garage and parking space for the existing dwelling. An off street parking space to the rear of the property would be lost. However, the off street parking proposed would provide sufficient parking to meet the needs of the occupants of the proposed development.
15. My attention has been drawn to the demand for on-street parking in the vicinity. Given that the existing rear parking area would be incorporated into the garden, there would be no loss of on street parking with the new drive to the front of the proposed dwelling. The location of the fence to the rear of the pavement and a small verge would ensure adequate visibility would be retained at the junction of Burnt Common Close and Burnt Common Lane. Parking on the junction at present may have an impact on access for refuse lorries and the emergency services. Given that the proposed and existing dwelling would be provided with sufficient parking to meet the needs of future occupants, I conclude that there would not be additional effects on highway or pedestrian safety from the proposed development.
16. Given the location in front or to the side of surrounding dwellings, the proposed development would not result in overlooking of neighbouring occupiers or an adverse effect on the outlook of their properties. The proposed dwelling would be a sufficient distance from surrounding properties to ensure that it would not materially affect the amount of sunlight or daylight to those properties, such that it would not harm the living conditions of surrounding occupiers. The size of garden of the retained and proposed dwellings would reflect those of other

surrounding dwellings and would be sufficient to provide for the needs of future occupiers.

17. I note comments regarding drainage issues, but no evidence has been provided to suggest that this would lead to adverse impacts on flooding or other effects resulting from run-off from the site. There are no trees in close proximity that would be affected by the proposed development. I note concerns that not everyone in the close was notified of the planning application, but this is a matter for the Council. Legal matters with the management company are a private matter between the relevant parties and not within my jurisdiction.
18. My attention has been drawn to the lack of a 5 year housing land supply that is not disputed by the Council. Whilst the provision of a single dwelling can only carry limited weight in the assessment of this scheme, it does support my conclusions on the main issues.
19. For the reasons given above, I conclude that the proposed dwelling would not be inappropriate development within the Green Belt, would not harm the character or appearance of the area and any impacts on the TBHSPA would be mitigated. I have not found any other adverse effects that would lead me to conclude that planning permission should be withheld. The proposed development is therefore acceptable and would comply with policies contained within the Framework, SEP and the LP.

Conditions

20. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for samples of materials to be submitted and approved prior to development commencing to ensure that they would maintain the character and appearance of the area. A condition is necessary to determine how energy efficiency is to be addressed prior to development commencing in order to reduce carbon emissions, in accordance with the Sustainable Design and Construction Supplementary Planning Document. A condition is necessary to improve water efficiency in accordance with Building Regulations Optional Requirement G2 and the Sustainable Design and Construction Supplementary Planning Document.
21. Conditions are necessary to ensure adequate vehicle access and parking is provided on site to protect highway safety. A condition is necessary to restrict the hours of development to ensure the development works take place without undue disturbance to neighbouring occupiers and to maintain highway safety. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

Conclusion

22. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of 8 Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Plan B&W, BCC/001, BCC/002, BCC/002A, BCC/003, BCC/004/01, BCC/005/01, BCC/006/01, BCC/007/01, BCC/008/01, BCC/009/02 Rev. 13/5/16, BCC/009/02A, BCC/010/02 Rev. 13/5/16, BCC/011/01, BCC/012/01, BCC/013, BCC/014, BCC/015 and BCC/016.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Prior to the first occupation of the development hereby approved, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 10 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on-site low and zero carbon energy shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
- 5) The dwelling shall not be occupied until the Building Regulations Optional Requirement G2 has been complied with.
- 6) The dwelling shall not be occupied until a means of access for vehicles shall have been constructed in accordance with the approved plans (BCC/004/01). The access shall be retained thereafter.
- 7) The garages hereby permitted and car spaces to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 8) Demolition or construction works shall take place only between 0800 and 1800 on Mondays to Fridays and between 0800 and 1330 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.