The Planning Inspectorate

Appeal Decision

Site visit made on 11 July 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/Y3615/W/17/3173841
Land to the rear of 49-53 Long Reach, West Horsley, Leatherhead, Surrey KT24 6LZ

- 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 D Stocks (Woodside Southern Limited) against the decision of Guildford Borough Council.
- The application Ref 17/P/00119, dated 18 January 2017, was refused by notice dated 16 March 2017.
- The development proposed is the erection of a pair of semi-detached 3 bedroomed dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the address of the site as stated in both the Council's decision notice and the appeal form as this more accurately describes the location of the site than the address used in the planning application form.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the integrity of the Thames Basin Heaths Special Protection Area (SPA) and (ii) the character and appearance of the area.

Reasons

Thames Basin Heaths SPA

4. The site is located within the 400m to 5km zone of the SPA. The proposal would be likely to lead to an increase in dog walking and general recreational activity that would damage the habitat and disturb protected species within the protected area. On the basis of the evidence before me, I consider that the proposal in combination with other developments elsewhere is likely to result in significant adverse effects upon the SPA.

5. The Habitats Regulations 2010 contain a precautionary principle that, in the absence of evidence that an adverse effect from any proposal or project on the integrity of a protected site would not occur, planning permission should not be granted.

6. The Council's Thames Basin Heaths SPA Avoidance Strategy 2009-2016 sets out the avoidance measures required in order to mitigate against a proposals impact upon the SPA. In its Statement of Case the appellant states that it is agreed that mitigation could be provided in the form of a financial contribution, to be addressed through a Section 106 agreement. However, I have not been provided with such an agreement and the appellant has subsequently confirmed that it is not able to be provided as part of this appeal. Consequently, in the absence of such an agreement, no proposed mitigation is in place. Moreover, I have no precise wording of what any contribution would provide for or how it would comply with Regulation 122 and 123 of the Community Infrastructure Regulations 2010.

7. Therefore, in the absence of any suitable mechanism to secure the provision of the appropriate mitigation in this case, I cannot be certain that the appeal scheme, in combination with other development, would not adversely affect the integrity of the SPA. In these circumstances, acting in accordance with the precautionary principle, I find the appeal scheme unacceptable in relation to this issue and contrary to policies NE1 and NE4 of the Guildford Borough Local Plan 2003, saved policy NRM6 of the South East Plan 2009 and the Framework. Given the sensitivity of the protected areas, their European protection along with the protection within the hierarchy of the designated sites in the National Planning Policy Framework, I give significant weight to the harm arising from the potential for likely significant adverse effects.

Character and appearance

8. The proposed residential development would front on to Woodside which is a residential cul-de-sac consisting of semi-detached two storey houses along either side of the road along with a two storey terrace of properties at the end of the cul-de-sac. The majority of the semi-detached houses have hipped roofs and are of a similar design. However, the existing pair of semi-detached houses on the opposite side of the road to the appeal site differ in form, incorporating gable ends and single storey front projections.

9. The proposed pair of semi-detached dwellings would broadly follow the existing line of similar properties on the north side of the cul-de-sac. Whilst projecting forward of the neighbouring properties (Nos. 1 and 3) this would only be to a limited degree. The hipped roofs, red facing brickwork and casement lead windows would be in keeping with the prevailing character and appearance formed by the majority of other semi-detached dwellings in the road.

10. The distances between other properties in Woodside are mixed, though the proposed separation distances to each side boundary would be less than those of the prevailing form of existing development in the road. Nevertheless, on the west side a substantial separation would be retained to the rear of the existing houses at 49 and 51 Long Reach. On the east side, the separation distance that would be retained to the facing flank elevation of Woodside, whilst not as wide as between other properties, would be sufficient to safeguard the character and rhythm of the streetscene.

11. Furthermore, although the proposed houses would be wider than others on this part of the cul-de-sac, there are other dwellings of a similar width adjacent to the head of the cul-de-sac and I do not consider that the width of the proposed dwellings would be so significantly greater than the neighbouring properties to appear as unacceptable in this location.

12. The proposed eaves line of the development would be in keeping with the adjacent dwellings at 1 and 3 Woodside. Whilst the ridgeline would be slightly higher, the difference would be minor and taking account of the fully hipped roof of the proposal, the height of development would not be unacceptable in the context of the streetscene. Although Nos. 1 and 3 are of a limited depth, several of the other properties in the road appear to be of a greater depth and, taking account of their hipped roof design, along with the other factors considered above, I do not consider that the proposed houses would be of an unacceptable size or scale.

13. Taking account of my reasoning above, I do not consider that the proposed development would appear as being cramped, dominant or out of keeping with the existing development in the vicinity of the site. It would safeguard the character and appearance of the area and would satisfactorily accord with the design aims of policy G5 of the Guildford Borough Local Plan 2003 and the National Planning Policy Framework (the Framework).

Other matters

14. The Council and the appellant agree that the proposal would amount to limited infilling in a village and therefore would not be inappropriate in the Green Belt, in accordance with paragraph 89 of the Framework. From the evidence before me, I concur with this conclusion.

15. The appellant states that the Council is unable to demonstrate a five year supply of deliverable housing land, drawing attention to the finding of the Council's Monitoring Report of October 2016. The Council has not provided any evidence in this regard. Therefore the relevant policies for the supply of housing are out of date for the purpose of paragraph 14 of the Framework.

16. The proposed development seeks to make good use of an existing site, providing two houses to help meet the needs of present and future generations within an existing residential area and contributing to the existing shortfall of housing in the Borough, albeit to only a modest extent. It is also proposed to utilise sustainable construction methods along with other measures such as Sustainable Urban Drainage, environmental sourcing of materials and renewable technology. I have given these social, economic and environmental benefits moderate weight.

17. However, I have given significant weight to the harm I have found to result to the integrity of the Thames Basin Heaths SPA. The Framework contains specific policies in this regard that indicate that development should be restricted. The habitats protection aims of Policies NE1 and NE4 of the Guildford Borough Local Plan 2003 along with saved policy NRM6 of the South East Plan 2009 are generally consistent with those of the Framework and I have given these policies significant weight. The harm to the SPA is the overriding harm in this case and leads me to the conclusion that the development would not amount to sustainable development in the context of paragraph 14 of the Framework.

Conclusion

18. The development would be contrary to the development plan when read as whole and I do not consider that other material considerations in this case outweigh the harm arising from the conflict with the development plan.

19. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR