



Appeal Decision

Site visit made on 9 October 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 30th October 2017

Appeal Ref: APP/Y3615/W/17/3179197

St Marys Gardens, Perry Hill, Worplesdon GU3 3RE

- 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 Gary Cox against the decision of Guildford Borough Council.
 - The application Ref 17/P/00007, dated 22 December 2016, was refused by notice dated 20 April 2017.
 - The development proposed is demolition of existing timber, lean-to carport outbuilding and construction of new dwelling adjacent to St Mary's Gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - Whether or not the proposal would preserve or enhance the character or appearance of the Worplesdon Conservation Area;
 - The effect of the proposal on the wildlife and conservation interests of the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Inappropriate development

3. The appeal site is in the Green Belt. Section 9 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are inappropriate in the Green Belt but there are a number of specific exceptions, one of which is 'limited infilling' in villages. It is for the decision maker to consider whether or not a site is in a village, having regard to the particular circumstances of the case.
4. Worplesdon is not defined by a settlement boundary, but the Conservation Area defines the historic core of the village. The appeal site is on Perry Hill, a private drive in the Conservation Area and therefore in the built-up part of the village. The proposal is for a single dwelling. I am therefore satisfied that the proposal falls into the definition of 'limited infilling' within a village. Notwithstanding the concerns of the Parish Council, I conclude that the proposal would not be inappropriate development in the Green Belt and have determined the appeal on that basis.

Character and appearance

5. As the appeal site is in the Worplesdon Conservation Area, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. I also have a duty to have special regard to the desirability of preserving the setting of Listed Buildings, which in this case is St Mary's Church, a Grade I Listed Building. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. The Framework also advises that any harm that is less than substantial must be weighed against the public benefits of the proposal.
6. Perry Hill is not part of the early development of the village. It is characterised by mid-20th century houses of no particular architectural merit or historic interest. The area was included in the Conservation Area due to its proximity to St Mary's Church. The church is a significant historic building. However, it is about 75m from the appeal site and separated from it by other houses and an extensive tree screen. The Council is satisfied that the appeal proposal is not within, and would not affect, the setting of the church and I see no reason to come to a different conclusion.
7. The appeal site is the side garden of a detached house, St Marys Gardens. It is not prominent in the street scene due to the extensive vegetation alongside the private drive and its enclosure by a substantial brick wall. The existing access is gated so the site is barely visible from the street. This part of the Conservation Area is characterised by leafy lanes with a predominance of trees and vegetation over built form. The existing houses are well separated from one another and set in good-sized plots giving the area a spacious, semi-rural appearance. However, in making my assessment I have taken account of the limited details presented about development that has been permitted elsewhere in Perry Hill¹.
8. The proposal is for a dwelling that would be of similar height and width to St Marys Gardens and almost the same height as a new dwelling being constructed on the adjoining site, Ref: 15/P/00409. The height of the proposal would therefore be acceptable. However, there would be four triple casement dormer windows on each of the front and rear elevations. Whilst dormer windows are a feature of several of the surrounding dwellings, neither their number nor their size dominates the roofslopes of those properties. By contrast those on the front roofslope of the proposal would be highly visible from Perry Hill above the boundary wall and would give the dwelling a cluttered appearance.
9. The proposal would align with St Marys Gardens and would be appropriately set back from Perry Hill. However, it would also be seen alongside the dwelling currently under construction at the corner of the street. From here the bulk and mass of the two buildings, which would be in close proximity to each other, would erode the otherwise leafy and spacious appearance of this part of the Conservation Area. This, together with the proliferation of dormer windows on the front elevation of the proposal, would harm the appearance of the Area. As this harm would be less than substantial in terms of the Framework, it must be weighed against the public benefits of the scheme.
10. Access to the existing and proposed dwellings would be through an enlarged entrance that would require the removal of about 2.5m of the boundary wall. This wall is an important feature of the street and is currently in a poor state of repair. Improvements to it would be beneficial to the appearance of the Conservation Area and could be secured by condition. Whilst this would be a public benefit arising

¹ Refs: 16/P/01859; 16/P/00627 and 15/P/00409

from the scheme, there was no reason to suggest that the development proposed would be the only means of securing these improvements. It is therefore not a factor which would outweigh the harm I have identified. The public benefit that can be attributed to the provision of an additional dwelling is a matter to which I will return later.

11. I conclude that the proposal would harm the character and appearance of the Worplesdon Conservation Area, which would not be preserved. It would therefore be contrary to saved Policies G5 and HE7 of the Guildford Local Plan (Local Plan), which requires development to respect its context and have regard to roof treatments and relationships with other buildings, especially in areas protected as heritage assets.

Thames Basin Heaths SPA

12. The appeal site lies within the 400m – 5Km buffer zone of the TBHSPA. In accordance with the Council's adopted TBHSPA Avoidance Strategy, contributions are required to mitigate the impact of the development on the protected areas arising from additional recreational use. In this case, these would be used to improve existing Suitable Alternative Natural Greenspace (SANG) and contribute to the Strategic Access Management and Monitoring (SAMM) programme. I am satisfied that neither of these contributions would relate to the delivery of infrastructure. Consequently, they do not fall within the scope of Regulation 123 of the Community Infrastructure Levy Regulations which restricts the pooling of financial contributions from planning obligations.
13. There is no dispute between the parties regarding the necessity of a planning obligation to secure the contributions. However, whilst a draft agreement was submitted with the appeal it was not signed or dated. I therefore cannot take it into account in my decision.
14. I conclude that in the absence of a mechanism to secure the necessary mitigation measures, the proposal would adversely affect the wildlife and conservation interests of the TBHSPA. It would be contrary to saved Policies NE1 and NE4 of the Local Plan and saved Policy NRM6 of the South East Plan, which state that development which adversely affects protected habitats and species will be refused.

Conclusions

15. I am satisfied that the proposal would not be inappropriate development in the Green Belt. However, I have found that it would harm the Worplesdon Conservation Area. Furthermore, in the absence of a mechanism to secure contributions to mitigation measures, the proposal would adversely affect the TBHSPA.
16. I have no information before me regarding the Council's housing land supply, but even if there is a shortfall, the limited public benefits that would be associated with the provision of a single dwelling would not outweigh the harm I have identified to the Worplesdon Conservation Area and the TBHSPA. For this reason, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR