



Appeal Decision

Site visit made on 12 March 2018

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 4th April 2018

Appeal Ref: APP/Y3615/W/17/3180133

Land between Church View & St Marys Garden, Perry Hill, Worplesdon, Surrey 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 Clive Kunkler (Balmoral Homes Ltd) against the decision of Guildford Borough Council.
 - The application Ref 17/P/00384, dated 10 February 2017, was refused by notice dated 11 April 2017.
 - The development proposed is the erection of a 5 bedroom detached dwelling with 3 bay detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 5 bedroom detached dwelling with 3 bay detached garage at land between Church View & St Marys Garden, Perry Hill, Worplesdon, Surrey GU3 3RE in accordance with the terms of the application, Ref 17/P/00384, dated 10 February 2017, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. In response to the Council's third reason for refusal regarding trees, an up-to-date Arboricultural Assessment was submitted with the appeal. Subject to the recommendations therein being secured by condition, the Council has confirmed that it no longer wishes to pursue its third reason for refusal.
3. The appellant submitted a completed S106 Agreement which would provide a contribution towards the necessary mitigation on the Thames Basin Heaths Special Protection Area (SPA). The Council has since confirmed that it is no longer pursuing its fourth reason for refusal. Nonetheless, the contribution would need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010. I shall return to this matter below.

Main Issues

4. Both the appellant and the Council suggest that the proposed development should be considered as limited infilling in a village. Given the representations of both sides on this matter and the proximity of existing dwellings, I have no reason to disagree with this approach. The proposed development would not therefore be inappropriate development in the Green Belt.

5. In light of this, the main issues are the effect of the development on, firstly, the character and appearance of the Worplesdon Conservation Area (WCA) and, secondly, the living conditions of neighbouring occupiers.

Reasons

Character and appearance

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. The appeal site is an irregular shaped plot situated between Church View and St Mary's Garden and the recently constructed but as yet unoccupied dwelling known as 'New Barn'. It has few, if any, redeeming features and has the appearance of an undeveloped plot of land within an established residential area.
8. The locality mostly comprises detached dwellings standing on generous plots. As one of my colleagues noted, these are not of any particular architectural merit or historic interest. The proposed 5-bedroom dwelling would be accessed via the existing private driveway which already serves 6 other properties.
9. There can be little doubt that the site is physically capable of accommodating the proposed dwelling. The site plan shows the dwelling occupying a central position within the plot well away from its site boundaries and neighbouring properties. There would be ample levels of outdoor amenity space and parking. I accept that the dwelling would be significantly larger than New Barn to the north. However that dwelling is on a smaller plot and its size and scale is not reflective of the area's character.
10. Given its back-land location the dwelling would only be readily visible from neighbouring gardens. There would be adequate space to the frontage area to implement a suitable landscaping scheme and the larger trees along the site boundaries would be retained. I therefore conclude that it would not be at odds with the low-density settlement pattern that prevails in the immediate area.
11. I have noted the Council's comments regarding the proposed design. However, there is not a uniform architectural style in the immediate area and I can find nothing untoward about the proposed '*Surrey farmhouse*' design which would incorporate elements of the local vernacular and simply add to the mix of styles in the area.
12. Given the architectural variety of its context and the scale of houses in the vicinity, I do not consider that the proposed house would appear overly large or its design out of character with the prevailing pattern of development. Consequently, the dwelling would not cause material harm to the character and appearance of the WCA. There would thus be no conflict with Policies G1, G5 and HE7 of the "*Guildford Borough Local Plan 2003*" (the LP) or the "*National Planning Policy Framework*" (the Framework). Amongst other things these seek well designed development that is of a scale and character which reflects its surroundings. There would also be no conflict with the statutory duty under the Act in relation to conservation areas.

Living conditions

13. The Council's second reason for refusal states that by virtue of its bulk and siting, the proposed dwelling would result in an unacceptable loss of privacy to the occupiers of St Marys Garden, which is located to the north-west.
14. I disagree. Not only would there be significant separation between the proposed dwelling and St Marys Garden, the north-west elevation would only contain a single obscured glazed window to a non-habitable room. Given the line of mature trees along the southern boundary of St Marys Garden, views of this window from the rear garden or rear windows would either be heavily filtered or totally obscured depending on the time of year. Therefore and notwithstanding that the window could on occasion be opened, no significant overlooking or loss of privacy would occur.
15. Accordingly, there would be no conflict with Policy G1(3) of the LP or the Framework in terms of ensuring the amenities of neighbouring occupiers are adequately safeguarded.

Other Matters

16. The Council have submitted an appeal decision pertaining to a development adjacent to St Marys Garden which was dismissed in October 2017¹. However in terms of its plot size and proximity to neighbouring dwellings, that scheme is clearly distinguishable from the one before me. That being the case, I consider it has little bearing on the planning merits of the current appeal.
17. The appeal site lies within the 400m – 5Km buffer zone of the SPA. In accordance with the Council's adopted SPA Avoidance Strategy, a financial contribution of £9,556.49 is necessary to mitigate the impact of the development on the protected areas arising from additional recreational use. In this case, £8,556.67 would be used to improve existing Suitable Alternative Natural Greenspace (SANG) and £999.82 towards the Strategic Access Management and Monitoring (SAMM) programme.
18. The UU would be necessary to make the development acceptable in planning terms, is directly related to the development and fairly related in scale and kind. I am therefore satisfied that the UU would accord with Regulation 123 and I have taken it into account in coming to my decision.

Conditions

19. The Council has suggested 11 planning conditions which I have considered against the advice in the "*Planning Practice Guidance*" (PPG). In some instances I have amended the conditions provided by the Council in the interests of brevity.
20. I have imposed the standard implementation condition as well as a condition to ensure that the development is carried out in accordance with the approved plans as these provide certainty. Controls over construction hours are necessary to protect the living conditions of local residents. I have amended the Council's suggested tree protection condition as the second part is excessive given the location and quality of the trees to be retained.

¹ PINS Ref: APP/Y3615/W/17/3179197

21. The proposed materials are clearly stated in Section 9 of the Application Form and also shown on the proposed drawings. The Council do not suggest these are unacceptable. A materials condition is therefore unnecessary. The site is relatively flat and the various floor levels are clearly shown on the approved plans. I do not therefore consider it is necessary to impose a condition requiring further levels information to be submitted. Given the level of the site relative to the private drive, there is little reasonable prospect of water being discharged on to the public highway which is some distance away. The drainage condition is therefore unnecessary.
22. The Council has suggested conditions relating to energy and water efficiency. According to the justification, these conditions are necessary to ensure compliance with the Council's "*Sustainable Design and Construction SPD 2011*". However, these matters are usually dealt with through Building Regulations legislation. As the SPD has not been provided I cannot be sure these conditions would meet the relevant tests set out in the PPG. I have omitted them accordingly.

Conclusion

23. In reaching my decision I appreciate the strength of opposition to the proposal from the local community including the Parish Council and have taken account of the wide range of specific concerns that have been raised. However, I have found that the proposed development would not adversely affect the character and appearance of the area or the living conditions of local residents. There are no other factors which would justify withholding planning permission.
24. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

SCHEDULE OF 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: BCW P 01 Rev C, 1702(00)10 Rev P1, 1702(00)11 Rev P1, 1702(00)12 Rev P1, 1702(00)15 Rev P1, 1702(00)30 Rev P1, 1702(00)31 Rev P1 and 1702(00)35 Rev P1.
- 3) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between 0800 am and 13.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.
- 4) The development must accord with the Arboricultural Implications Assessment, Tree Protection Plan and Method Statement prepared by David Archer Associates ref: DAA AIR 04 June 2017. No development shall start on site until the protective fencing and other protection measures shown on the Tree Protection Plan in the Arboricultural Method Statement have been installed. At all times, until the completion of the development, the fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.