



Appeal Decision

Site visit made on 4 June 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/Y3615/W/19/3223975

Land west of 1 Old Drive, Gomshall, Guildford GU5 9LH

- 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 Ms Karen Curl against the decision of Guildford Borough Council.
 - The application Ref 18/P/01895, dated 1 October 2018, was refused by notice dated 30 November 2018.
 - The development proposed is described as erection of a single dwellinghouse with associated parking and landscaping following the demolition of existing outbuilding and removal of hardstanding.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of a single dwellinghouse with associated parking and landscaping following the demolition of existing outbuilding and removal of hardstanding, at land west of 1 Old Drive, Gomshall, Guildford GU5 9LH, in accordance with the terms of the application, Ref 18/P/01895, dated 1 October 2018, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The address used in the heading above is that used by the Council, as it enables the site location to be more clearly identified than the address given on the application form.
3. The Guildford Borough Local Plan: Strategy and Sites 2019 (the LPSS) was adopted following the Council's decision. The Council confirms that some of the policies quoted from the Guildford Borough Local Plan 2003 (the LP03) have now been replaced. I have therefore considered the appeal on the basis of the quoted policies now forming part of the LPSS, and any from the LP03 that have been retained.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt; and
 - the effect of the development on the character and appearance of the area, with due regard to the Surrey Hills Area of Outstanding Natural Beauty (the AONB).

Reasons

Whether the development would be inappropriate development

5. The site lies within the Metropolitan Green Belt. It consists of a piece of land which previously formed a detached part of the residential garden of 1 Old Drive. No 1 stands to the east of the site, on the opposite side of Old Drive. Two other dwellings are located immediately to the south. A further dwelling, Kingswood Hanger, lies some distance to the north east. Open spaces lie to the north and west, though both these boundaries are heavily lined by trees.
6. Paragraph 145(e) of the National Planning Policy Framework (the Framework) states that limited infilling in villages is 'not inappropriate' development within the Green Belt. Though the site falls just outside the defined settlement boundary of Gomshall, the Council accepts that the site is nonetheless located within the village. Scope for development therefore exists for development within the terms of Policy P2 of the LPSS. The fact that the development would be 'limited' insofar as it would involve 'small scale residential development' is also agreed. I see no reason to reach a different view in either regard. The Council's specific concern in this context is that the development would not constitute 'infill'.
7. Infill is not defined within the Framework, however the supporting text of Policy P2 of the LPSS provides local interpretation. This defines infill in 3 ways: 'development of a small gap in an otherwise continuous built-up frontage', 'the small-scale redevelopment of existing properties within such a frontage', or 'infilling of small gaps within built development'. I note that with regard to the third definition, 'within' is not specifically defined, providing reasonable scope for interpretation.
8. Old Drive continues beyond the site to Kingswood Hanger, however this dwelling cannot be easily seen from the frontage of the site, or indeed from elsewhere within it. Furthermore, though the land to the north appears to be planted as parkland, it does not obviously have the appearance of a domestic garden. For both reasons, the site does not appear as a gap within a continuous built-up frontage, and is clearly not therefore an existing property within such a frontage. The first 2 definitions outlined above are not therefore applicable.
9. The site does however have a strong spatial and visual relationship with existing residential development immediately to the south and east. The strength of this relationship is reinforced by the similar size of the site relative to adjacent plots, the fact that both it and they contain gardens, and by the similarly heavy definition of their outer boundaries by trees. Together these trees form a strong edge to the built-up area, providing an appreciable sense of containment, and clear spatial and visual distinction from the open land beyond. The site as such appears as an obvious gap within the established layout of dwellings either side of Old Drive. Infilling would indeed square off the existing pattern without entailing any perceived extension of the existing built-up area of Gomshall. As such I find that the appeal scheme would constitute the infilling of a small gap within built development, as defined by the supporting text of Policy P2 of the LPSS.
10. I acknowledge that the site previously contained a number of trees, the stumps of which are evident on site. The fact is however that these trees are no longer

present. Consideration of this matter does not therefore lead me to a different conclusion with regards to the assessment outlined above.

11. The effect of development on the openness of the Green Belt is implicitly considered in the exception outlined in paragraph 145(e) of the Framework. Its assessment is not otherwise required by Policy P2 of the LPSS in relation to infill. As such it is not necessary for me to further consider the effects of the development on the openness of the Green Belt.
12. For the reasons outlined above I conclude that the development would be not inappropriate within the Green Belt. It would therefore comply with Policy P2 of the LPSS, and the Framework, which each seek to protect the Green Belt from inappropriate development.

Character and appearance

13. The site is located within the AONB. I have therefore had regard to the statutory purposes of the AONB's designation, most particularly to conserve and enhance the natural beauty of the area. In this regard paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty within ANOBs. The site additionally falls within an area identified by the Council as an Area of Great Landscape Value (AGLV).
14. As outlined above, the site is well related to existing development along Old Drive. It is a garden space, not a field, and it is well contained by trees. The site does not therefore form a component of the open landscape and, due to its containment, there is little sense that it plays any significant or appreciable transitional role in landscape terms.
15. A close boarded fence runs along the west side of the site. This would provide screening of the development from the footpath which runs close to this boundary. Taking this, relative ground levels, and the low single storey profile and green roof of the proposed dwelling into account, it is unlikely that much other than the chimney would be visible from this path. As this would also be viewed in the context of already existing development to the south, it would not appear intrusive.
16. Interested parties draw additional attention to the fact that this path skirts the edge of the adjacent Netley Park. This is an apparently historic, albeit undesignated, designed landscape. For the reasons outlined above there would in any case be little scope for long views into the site from Netley Park, meaning that no undue harm would arise to the character or appearance of the Park and its setting.
17. Rising ground levels provide long views from the site across the open landscape to the south of Gomshall. This landscape is however located at a significant distance from the site. Notwithstanding the relatively broad footprint of the proposed dwelling, its modest single-storey scale, green roof, and the close proximity of other dwellings, make it highly unlikely that any distinct inward views would exist from within this landscape. As such the development would again not appear intrusive.
18. The narrow dimensions of Old Drive, and the vegetation to either side, provide the lane with a semi-rural character. Vegetation within gardens and along boundaries complements this character, but development is nonetheless

suburban in type. In this context the site appears as a somewhat plain garden space, whose openness makes very little contribution to the semi-rural character of the lane. As such, and in view of my reasons above, the development would not have an urbanising effect on its setting, or indeed undermine the semi-rural character of Old Drive.

19. I note concern expressed by interested parties that if permission was granted a precedent would be set for development elsewhere within the AONB. This concern is however based on the view that the development would be harmful, which I have found would not be the case. Furthermore, the above assessment is based on the circumstances that exist on and in relation to the appeal site, which are unlikely to be identically repeated elsewhere.
20. In terms of more general design, interested parties raise further objections to the contemporary appearance of the building, and its incorporation of renewal energy features. The Council however considers these aspects to be acceptable, and has suggested a range of conditions related to these matters. Indeed, I also consider that the existing developed context of the site is sufficiently mixed and informal in character that additional variation in terms of the proposed design would not be harmful.
21. For the reasons outlined above I conclude that the development would not cause harm to the character or appearance of the area, including to the natural, landscape and scenic beauty of the AONB. It would therefore comply with Policy P1 of the LPSS which seeks to conserve and enhance the AONB and the distinctive character of the AGLV; Policy G5 of the LP03 which seeks to secure high quality design; and the Framework with regards to achieving well-designed places and conserving and enhancing the natural environment.

Other Matters

22. Interested parties indicate the existence of restrictive covenants which might prevent the development from taking place, or being accessed should planning permission be granted. Related concerns are also raised regarding the provision of utilities. These are however to large extent private matters that can be addressed separately by the appellant as necessary.

Conditions

23. In addition to standard conditions setting the timescale for commencement of the development, and specifying the approved plans for sake of certainty, the Council has recommended a number of additional planning conditions. I have considered these in the light of the advice contained within the Planning Practice Guidance (PPG). In allowing the appeal I shall impose conditions accordingly, improving precision where necessary in accordance with the advice in the PPG.
24. The Council has requested 2 conditions in relation to the protection of trees. I have imposed one standard condition which covers the matters in question. I have not however included within this the requirement to hold a site meeting, as there is no clear necessity for this. Rather than impose a pre-commencement condition I have restricted the scope of works which may take place prior to discharge of the condition to those unlikely to cause any harm. The condition is necessary in order to ensure that trees adjacent to the site boundary are not harmed during construction.

25. I have imposed a condition requiring the development to be carried out in accordance with the recommendations within the submitted ecology report. This is required in order to ensure that the development has no ecologically adverse effect, and that opportunities for enhancement are taken.
26. I have also imposed a condition requiring agreement of details and/or samples of materials to be used for the exterior of the building. This in order to ensure a high quality appearance in relation the site context.
27. The Council has requested a condition related to energy efficiency. I note that Policy D2 of the LPSS provides a basis for requiring measures to achieve a reduction in carbon emissions. I have employed a revised wording which reflects that of the Policy P2. Insofar the Council's suggested condition also sets out requirements otherwise covered by the Building Regulations 2010 (as amended) (the Building Regulations), it is unnecessary for them to be addressed within such a condition. The condition is necessary in order to ensure a high level of environmental sustainability.
28. I have imposed a further condition requiring the optional higher standard for water efficiency set out in Regulation 36(2)(b) of the Building Regulations. This is also activated by Policy D2 of the LPSS, and part D2 of the Sustainable Design and Construction Supplementary Planning Document 2011. This is required to help to secure a high standard of environmental sustainability. I have again omitted parts of the condition which duplicate requirements set out in the Building Regulations.
29. Finally, the Council has suggested a condition restricting the working hours within which the development can take place in order to avoid disturbance of neighbours. However, in view of the small scale of the development, and absence of any evidence that were the condition not imposed construction would take place outside normal working hours, there is no demonstrable need for the condition.

Conclusion

30. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans:
257_PL02_001 Rev. P2; 257_PL02_002 Rev.P2; 257_PL02_010 Rev.P2.A;
257_PL02_100 Rev.P2; 257_PL02_101 Rev.P2; 257_PL02_200 Rev.P2.A;
257_PL02_300 Rev.P2.A; 257_PL02_301 Rev.P2.A; 257_PL02_302 Rev.P2.A;
257_PL02_303 Rev.P2.A.

- 3) For the purposes of the development hereby permitted, no trenching or excavation shall be carried out, and no materials, machinery or equipment shall be brought onto parts of the site other than the existing hardstanding, until:
- a scheme for the protection of all trees adjacent to the site boundary, and whose roots and/or canopies encroach into the site area (the tree protection plan); and
 - a statement of appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced),
- have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved tree protection plan and the approved arboricultural method statement.
- 4) The development hereby permitted shall be carried out in accordance with the recommendations in section 4 (Ecological Constraints and Opportunities) of the submitted Preliminary Ecological Appraisal and Bat Scoping Assessment, dated 20 September 2018.
- 5) No construction above slab level of the development hereby permitted shall take place until details and/or samples of the proposed external facing and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and/or samples.
- 6) No construction above slab level of the development hereby permitted shall take place until details of measures to achieve a reduction in carbon emissions of at least 20% against the relevant Target Emission Rate set out in the Building Regulations 2010 (as amended) through the provision of renewable and low carbon energy technologies on site, and/or in the energy performance of the building, have been submitted to and approved in writing by the Council. These measures shall then be fully implemented prior to the first occupation of the development, and retained in a fully operational state thereafter.
- 7) The dwellings hereby permitted shall not be occupied until the Building Regulations optional requirement set out in Regulation 36(2)(b) of the Building Regulations 2010 (as amended), has been complied with.

End of Schedule