



Appeal Decision

Site visit made on 24 June 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Appeal Ref: APP/Y3615/W/18/3218986

36 South Lane, Ash GU12 6NG

- 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 Sharaz Homes against the decision of Guildford Borough Council.
 - The application Ref 18/P/01779, dated 10 September 2018, was refused by notice dated 12 November 2018.
 - The development proposed is described as: To construct a pair of semi-detached 3 bed houses with alterations to parking and boundary fences of approved scheme ref: 17/P01686.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the refusal of planning permission, the Council has adopted the Guildford Borough Local Plan: Strategy and Sites, on 25 April 2019 (the LP). I have therefore given the Policies of the LP full weight as the relevant development plan for the area. Saved Policies G5(3)(4)(5) and NE4 of the Guildford Borough Local Plan, 2003 (the GBLP), as well as Policy NRM6 of The South East Plan¹, 2009 (the SEP), have however not been superseded by the LP and so remain in force.
3. The appellant has submitted a signed undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) which would secure financial contributions towards Strategic Access Management and Monitoring as well as the maintenance, improvement and operation of Suitable Alternative Natural Greenspace. As this is intended to address the Council's second reason for refusal, I have dealt with this in my decision as an 'Other Matter'.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The site is situated along South Lane which consists of a range of house types set within mature and reasonably spacious plots. The site itself accommodated a bungalow which I could see during my site visit had been demolished with the rear of the site being redeveloped. The proposal relates to the erection of a

¹ The South East Plan, Regional Spatial Strategy for the South East of England, May 2009

pair of semi-detached 3-bedroom houses addressing South Lane along with a detached house situated at the rear.

Character and appearance

6. Planning permission has been granted² by the Council to demolish the existing bungalow and construct two detached houses at the site. No changes are proposed to be made to the plans, elevations or architectural style of the property at the rear. The design of the semi-detached properties would be similar to that already approved as well as those to the rear of the site, where planning permission has been granted on appeal³ for 6 dwellings. I could also see during my site visit that these properties had been constructed.
7. The immediate area is characterised by a mix of detached two-storey houses, including semi-detached properties, and bungalows, being distinct as they are set within good sized plots. The proposal would predominantly be viewed from South Lane, although it would also be closely related to the 6 properties at the rear. The semi-detached properties would be higher than the previous bungalow but similar if not slightly lower than the approved scheme for a single dwelling on South Lane.
8. The semi-detached properties would be sited close to the boundary with No 34 South Lane, given their scale and the overall quantum of development proposed. No 34 itself is reasonably modest in scale, being a hipped roof bungalow. Given the use of hipped roofs on the appeal scheme, there would be a gradual transition in height such that the height of the semi-detached properties would not result in a particularly abrupt or ad hoc increase in height within the street-scene.
9. However, the proximity to the boundary with No 34 would result in a space between the buildings of 2m, according to the Council. This would be out of character with the predominant pattern and relationship between buildings in the area, despite the distances between the roof slopes, such that the proposed built form would appear cramped in the street-scene when viewed next to No 34. Whilst the relationship between Nos 42 and 44 has been brought to my attention, these properties are sited further from the highway which in my view reduces their prominence within the street-scene.
10. The number of on-site car parking spaces involves a layout incorporating tandem style car parking. In respect of plot 1 this would be in close proximity of the boundary with No 34. Parking for plot 2 would be displaced to the rear with that for plot 3 at the far end of the site. The proposed layout necessitated by the number of parking spaces would in my view result in a cramped and contrived overall layout given that it would also reduce the perception of spacing between buildings. This would therefore not respond to the pattern, grain or layout of the established and distinctive local character of the area.
11. Whilst landscaping could be controlled by planning conditions, I have little evidence to persuade me that the development would maintain or enhance the key characteristics of the area, or how it would provide for a more attractive or positively diverse addition to the street-scene. The development would therefore be incongruous and visually discordant when viewed in the context of

² Council Ref 17/P/01686

³ Ref APP/Y3615/W/16/3152309

properties along South Lane and would not add to the overall quality of the area.

12. I therefore conclude the development would be harmful to the character and appearance of the area and would fail to accord with saved Policies G5(3)(4)(5) of the GBLP and Policy D1 of the LP. These policies, amongst other things, relate to: space around buildings; street level design; layout; and, requires development to be designed to reflect the distinctive local character of the area. For the same reasons, the development would not accord with the Guildford Borough Council Residential Design Guide, Supplementary Planning Guidance, 2004, or the achieving well-designed placed objectives of the National Planning Policy Framework.

Other Matters

13. The site is located within the 400m to 5km zone of influence of the Thames Basin Heathland Special Protection Area, which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). Policy P5 of the LP as well as saved Policy NE4 of the GBLP and NRM6 of the SEP, seek to ensure, amongst other things, that where net new residential development is proposed within the zone of influence, avoidance and mitigation measures must be delivered prior to occupation of new dwellings in perpetuity.
14. Planning permission should not be granted where there is a risk that the proposed development may have a significant effect on internationally designated sites either individually or in combination with other plans or projects. I appreciate the appellant has gone to the considerable effort of submitting a signed undertaking. However, had I been allowing the appeal, in light of a judgement⁴, as the competent authority I would have been required to undertake an Appropriate Assessment. In the event I was allowing the appeal, I note that I have insufficient evidence to enable me to do so or whether adequate consultation has taken place. I would have therefore requested further information from the parties, however, as I am dismissing the appeal in respect of the main issue, I need not consider this matter further.
15. The site is not subject to restrictive designations and the development does not give-rise to other planning harms. However, the absence of designations or other planning harms is not a positive factor in favour of the scheme and so only attracts neutral weight.
16. I appreciate the appellant is seeking to make effective use of the site. The Government is seeking to significantly boost the supply of housing and Paragraph 68 of the Framework recognises that small sites such as this can make an important contribution to meeting the housing requirements of an area and can do so within short time periods. The social and economic benefits of providing a choice of family housing, given the predicted demographics of the area, therefore weighs in favour of the scheme.
17. However, I have found that the development would be harmful to the character and appearance of the area and this is not outweighed by a modest increase of one home arising from the semi-detached properties.

⁴ Court of Justice of the European Union (CJEU) 12 April 2018: People over Wind & Sweetman v Coillte Teoranta

Conclusion

18. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Paul T Hocking

INSPECTOR