



Appeal Decision

Site visit made on 24 July 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/Y3615/W/18/3212338 64 The Street, Tongham GU10 1DH

- 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 Reside Developments Ltd against the decision of Guildford Borough Council.
 - The application Ref 18/P/01039, dated 25 May 2018, was refused by notice dated 21 August 2018.
 - The development proposed is the retention of No. 64 The Street and development of 6 x 3 bedroom dwellings, new access and car parking.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The Council adopted the Guildford Local Plan: Strategy and Sites (LPSS) in April 2019, between the determination of the application and consideration of this appeal. This is referred to in the Council's appeal statement which the appellant has had opportunity to comment on. The adoption of the LPSS superseded some of the policies of the 2003 Guildford Local Plan albeit some remain saved. Those relevant are also identified in the Council's statement. I have determined this appeal with regard to the development plan at the time.
3. The appellant has provided amended plans in relation to plots 5 and 6 which are designed as a pair of semi detached dwellings. The amendments concern a reduction in their overall height by, according to the appellant, 450mm. The appellant has asked that I take these plans into account as part of the appeal. I am mindful of the Procedural Guide¹ and in particular annexe M which asks whether a proposed scheme can be amended. Paragraph M.2.1 sets out that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. The changes are relatively minor in the grand scheme. The design and outward appearance of plots 5 and 6 would remain largely as they were initially proposed. Their siting in the appeal site would not change. With these factors in mind, and the fact that the plans were submitted with the appellant's statement at an early stage, I do not feel that any party would be prejudiced

¹ The Planning Inspectorate Procedural Guide: Planning Appeals – England March 2019

by my acceptance of them as part of the appeal. I have proceeded on this basis.

5. The appellant has submitted a completed bilateral agreement as a planning obligation under the Act². The obligation seeks to provide a commuted sum financial contribution towards the provision of Suitable Alternative Natural Greenspace (SANG). This is in accordance with the Council's adopted avoidance strategy and in regard to the Thames Basin Heaths Special Protection Area (TBHSPA). The concerns in this respect, as potential impacts arising from the proposed development, stem from the likely increased use of designated areas for recreational purposes by new residents. In this case six new dwellings. The provision of SANG, as per the avoidance strategy, would assist in alleviating the impact on designated areas by providing alternative areas. I have seen nothing compelling in the evidence to disagree with either the conclusions of the Council in this respect or indeed the reasonableness or proportionality of the contributions set out.
6. The Council's third reason for refusal explains that, in the absence of any mitigation provided by the aforementioned means, the proposed development would have the potential to adversely affect the integrity of the TBHSPA. The completion of the obligation gives me sufficient comfort that the potential effects of the appeal scheme in this case can be mitigated acceptably. Such that there would be no conflict with Policy NRM6 of the South East Plan³, NE4 of the 2003 Local Plan or P5 of the LPSS. Between them, and along with section 15 of the Framework⁴, these policies set out that planning permission will only be granted for development where it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the TBHSPA, whether alone or in combination with other development as well as aiming to resist harm to habitats protected under law. They also set out the requirements for SANG provision and protection for and the appropriate mitigation against harm to areas of special protection, conservation and those of special scientific interest.

Main Issues

7. With the above in mind, the main issue in the determination of the appeal is the effect of the proposed development on the character and appearance of the area with specific regard to a locally listed building.

Reasons

8. The appeal site is an enclosed parcel of land that directly abuts the back edge of The Street. It comprises mainly grassed areas surrounded by mature trees with a close boarded fence to the road boundary. To the northern half of the site is Number 64 The Street. This is a high quality detached two storey brick cottage of traditional design and proportions. According to the evidence, the building is either late 18th or early 19th century with a simple plan form and layout with a central entrance door flanked by an even fenestration rhythm with prominent gable chimney stacks. There are also some equally traditional outbuildings to the north, at right angles to the rear elevation. The cottage is certainly a rarity in the street scene which consists mainly more modern

² Section 106 of the Town and Country Planning Act 1990 as amended

³ The South East Plan – Regional Spatial Strategy for the South East 2009

⁴ The National Planning Policy Framework 2019

dwelling. The open area of land to the front allows clear views of it on approach to the village's historic core. The evidence also suggests it is a rare example of its type when compared to the rest of the village, mainly in terms of its plan form, proportions and materials, recognising that some alterations and minor additions have taken place over time.

9. For these reasons, as well as its angle relative to and positioning near the road frontage the building makes a positive contribution to the street scene. As I have alluded to above, the building is locally listed. It is unclear from the evidence I have seen as to the significance of the open area of land to its frontage or indeed why it is afforded such an expansive plot overall. Nevertheless, the spaciousness of the land around the building allows clear views of it on approach to the centre of the village and a full appreciation of its design and traditional appearance as, as I have mentioned above, a rare example of its type. The Street is a narrow single carriageway road that runs north from the A31 into the centre of the village. With some limited exceptions, it comprises mainly residential development of varying designs set back from and facing it.
10. The proposed development would site a pair of semi detached two storey dwellings immediately to the south of No 64, at right angles and facing The Street, their gardens would extend to the rear. A single storey linear building would be located to the southwestern corner. To the north of this and alongside No 64 would be two further pairs of semi detached dwellings, facing south. There would be a 'spine' road running between the front elevation of No 64 and the semis to the south and then across the frontages of the other semis. A small garden area would be provided to the rear of the semis as well as one to No 64, parallel thereto.
11. By virtue of these factors, the appeal scheme would appear as a small but self contained estate of new housing with its own access off The Street. Whilst private access driveways and in some cases shared ones are not uncommon, the clustered and estate like nature of the scheme's layout and houses facing inwards (frontage plots aside) it would appear somewhat anomalous in the context I have set out in paragraph 9. Plot sizes in the area vary quite significantly and whilst I feel the layout and siting of the proposed dwellings would not sit appropriately in the area, the density of the scheme does not strike me as unacceptable.
12. In terms of No 64, the erection of six dwellings within such close proximity would crowd it and whilst the design of the new dwellings would pick up on traditional elements and could put to use quality materials, their scale and general form would be obviously modern which would jar with the more quaint and traditional proportions and form of No 64.
13. I set out above that the evidence does not point in a great amount of detail to the historical significance of the open areas of land around the building and I agree with the appellant that the new buildings would not have an effect on the fabric of No 64. However, the erosion of the space around it would reduce one's ability to appreciate it unencumbered and read what the evidence points to as a rare example of its type in the village. The reduced height of the two semis that would sit in front of No 64 would go some way to reducing the modern scale impact of them but their siting, design and placement would all but obscure the front elevation from views on the road approach into the older

parts of the village centre which, in terms of reading and appreciating the history of the village is an important view. A view which also allows understanding and appreciation of the main frontage features in the central entrance door and window rhythm.

14. As a locally listed building, No 64 is a non designated heritage asset for the purposes of the Framework. Paragraph 197 sets out that the effect of an application thereon should be taken into account, requiring a balanced judgement and having regard to the scale of any harm or loss and the significance of the asset.
15. The setting of No 64 needs to be carefully considered, mainly that which I have explained above and how it allows appreciation of it. For the reasons I have set out, I would be content to say that the proposed development would cause harm of a relatively small scale in the grand scheme albeit such harm that would affect the asset's significance as a rare example of its type and one that sits within a pleasant open setting which allows clear views of it both outside the site and on the road approach to the historic village core.
16. In terms of the aforementioned balanced judgement, there are positive elements to consider such as, in this case, the provision of housing. However, I have no sufficiently compelling evidence before me to doubt that the Council are currently in an undersupply situation. There are areas in which the scheme would be acceptable such as, for example, the provision of car parking and a good standard of living conditions for residents but as a lack of harm in each case, these factors cannot be used to weigh against harm. Looking wider, I can see that there would be some economic benefits to the appeal scheme such as investment in the construction industry as well as expenditure by future residents, but these factors would be constrained in their contribution by the scale of the proposed development.
17. With the above in mind, the proposed development would be harmful to both the character and appearance of the area and impinge on the setting of a locally listed building. There would thus be conflict with saved Policies G5 and H4 of the 2003 Local Plan and Policy D3 of the LPSS. Amongst other things, and along with section 16 of the Framework, these policies seek to ensure that new development (housing specifically) is of a high quality and contextually appropriate design and appearance that respects character, scale, layout and space and appropriately protects the historic environment from harm.

Other Matters

18. I note the appellant's consideration of the impact of the proposed development on the significance of No 64 The Street. I have set out above that I agree there would be no direct effect on its fabric but have equally explained above that its significance, and appreciation thereof, would be harmed by the scale, design, layout and proximity of the new buildings. It might already be situated in amongst some obviously more modern buildings but this, to my mind, gives greater emphasis on the need to manage the impact of new development that would be closer.
19. The appellant's evidence also alludes to a planning permission recently granted for land at No 50 The Street for the erection of a pair of detached dwellings⁵.

⁵ Local Planning Authority reference 19/P/00056

The site to which this development relates is close to the appeal site. The scheme in that case however was for a substantially lesser scale of development laid out wholly in frontage form. It seems, on the face of what I have seen, to also secure the demolition of some old storage buildings of, again based on the information before me, limited architectural or historic merit. No designated or non designated heritage assets were directly involved, as far as I can see. For these reasons, the two dwelling scheme (or the site to which it relates) is not sufficiently similar to the appeal scheme to the extent that it would alter my conclusions which, in any case, have been arrived at following consideration of its own individual merits and site circumstances.

Conclusion

20. Whilst I have not found harm in respect of matters pertaining to the TBHSPA this would not be sufficient to reduce that which I have found to the character and appearance of the area. Whilst having regard to other matters that have been raised, which includes submissions from local residents, it is for this reason that the appeal is dismissed.

John Morrison

INSPECTOR