



Appeal Decision

Site visit made on 29 July 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2019

Appeal Ref: APP/Y3615/W/19/3226957

Kenley, Silkmore Lane, West Horsley KT24 6JB

- 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 Faheem Khan against the decision of Guildford Borough Council.
 - The application Ref 19/P/00204, dated 1 February 2019, was refused by notice dated 27 March 2019.
 - The development proposed is demolition of existing garage to Lansdowne and erection of one detached 5-bed house with double car port to the rear of the site and new parking area to the front of Lansdowne.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council's refusal of the planning application it has adopted the Guildford Borough Local Plan: Strategy and Sites (April 2019) (LPSS). This has superseded some of the saved policies of the Guildford Local Plan (2003) (LP) that are listed within its decision notice.
3. The Green Belt designations have also been revised, including the settlement of West Horsley. The Council has confirmed that the proposal no longer lies within the Green Belt.
4. LP Policy NE1 has been superseded by both LPSS Policy P5 (Thames Basin Heaths Special Protection Area) and LPSS Policy ID4 (Green and Blue Infrastructure). LP policies G5(1) and G5(6) have been superseded by LPSS Policy D1 (Place shaping). LP policies RE1, RE2 and RE3 have been superseded by LPSS Policy P2 (Green Belt), however these are no longer relevant.
5. The appellant has had the opportunity to comment on this, and I am required to determine the appeal on the basis of the most up-to-date national and local policies.

Main Issues

6. The main issues are the effect of the proposal on, firstly, the character and appearance of the area, and secondly, the Thames Basin Heaths Special Protection Area.

Reasons

Character and Appearance

7. The site is located to the rear of two dwellings which front Silkmore Lane. The lane is characterised by modest chalet bungalows and two storey dwellings fronting the street, with generous front gardens, gaps between buildings and single plot depth. The consistent sized and proportioned rear gardens create narrow long plots. This results in a linear form of modest dwellings set within a spacious and open character. Where there is development at depth behind existing properties, these are in pockets with vehicle access serving multiple dwellings, and set behind the established rear boundaries of the frontage dwellings.
8. The site is located within a settlement boundary, where development and redevelopment for new housing is acceptable in principle, subject to the consideration of site specific characteristics. The proposal would be set to the rear of the existing dwellings, at right angles to this linear frontage pattern. The location within the existing rear garden would reduce the depth of the existing plot, at odds with the strong grain of built form. This would be harmful out of character with the local spatial pattern. The proposed vehicle access, whilst using an existing route to the rear of Kenley, would intensify this use. This would change the character from low-key paved and grassed route to a formal shared access to serve the additional dwelling, urbanising this frontage. This would be an awkward and harmful relationship, especially given the proximity to the side elevation of Kenley.
9. I have had regard to the proximity of new dwellings to the rear, including development at 'Stonechat' which the appellant has identified as drawing comparisons to the proposal¹. I note that this has a linear access route to the rear. However, this serves multiple dwellings, is screened and distinct from the accesses serving frontage dwellings. It has also established its own cluster character to the rear, without eroding the gardens of those fronting Silkmore Lane. The introduction of a single dwelling, accessed from the front as proposed, would appear incongruous to the established form of development and the character of the area.
10. Whilst the character is predominantly frontage detached chalet style bungalows and two storey dwellings, these are modest in scale and width. The proposal would be of a larger scale and taller than the existing dwelling, dominating these buildings to the front. The large, blank side elevation would also be visible within the streetscene in the gaps in the frontage between buildings, creating a harmful urbanising effect on the spacious open character and highlighting the uncharacteristic right-angled positioning. Whilst designed to create visual interest at pedestrian level, the scale and size would be disproportionate to the plot and frontage dwellings. I note that 'Stonechat' includes a larger scale of dwelling, and provided design cues for the proposal, however these are located within a different character of clustered dwellings and read materially differently to the appeal site.
11. Therefore, the proposal would be harmful to the character and appearance of the area. Consequently, it would be contrary to Policy D1 of LPSS and Policy WH2 of the West Horsley Neighbourhood Plan 2016-2033 (2018) and chapter

¹ Council Planning Ref 17/P/02144

12 of the National Planning Policy Framework (2019). Taken together, and amongst other objectives, these require development to reflect the distinct local character of the area and respond to, and reinforce, locally distinct patterns of development. These also require scales, heights and form of buildings to be sympathetic to the existing built environment and ensure that parking provision should maintain the character of the area.

Thames Basin Heaths Special Protection Area

12. The proposal is within the proximity of the Thames Basin Heaths Special Protection Area (SPA) and the Council has highlighted that the proposal may result in adverse impacts on this European conservation designation. The appellant has indicated that they would be willing to enter into a legal agreement to secure mitigation measures should the appeal be allowed. However, given my findings on the first main issue I have not considered this matter further, including whether an appropriate assessment is required or the necessity of a legal agreement.
13. However, with or without an obligation or other mechanism to secure the mitigation, my overall conclusion on the acceptability of the development would remain unchanged.

Other Matters

14. My attention has been brought by the appellant to the Council's officers report. This included no objections to the proposal in relation to parking standards, the impact on neighbouring occupiers, sustainable design requirements or trees. It also considered that the proposal would include adequate space and light for occupiers and an acceptable garden size. However, I do note that there have been third party objections on some of these other matters. Given my findings on the effect of the proposal on the character and appearance of the area, I have not considered these other matters further. However, even if I had agreed with the Council in relation to these, the absence of harm would be of neutral weight rather than a benefit to the proposal.
15. I am also aware that the proposal has been revised following pre-application advice with the Council on earlier scheme. However, I have considered the proposal before me on its own merits.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR