



Appeal Decision

Site visit made on 5 September 2019

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

Appeal Ref: APP/Y3615/W/19/3227740

High Brambles, Park Corner Drive, East Horsley KT24 6SE

- 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 Andrea Larter against the decision of Guildford Borough Council.
 - The application Ref 19/P/00191, dated 30 January 2019, was refused by notice dated 8 March 2019.
 - The development proposed is demolition of bungalow, and erection of a detached house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LP) was adopted on 25 April 2019 following the refusal of the planning application, but before this appeal was submitted. The previously saved policies G5(1), G5(6), RE3 and NE1 of the Guildford Borough Local Plan 2003 as referred to within the Council's decision notice have been superseded by Policies D1 and P5 of the LP accordingly. In addition, the Green Belt designations have also been reviewed, including the settlement of East Horsley. The Council has confirmed that the appeal site is not now located within the Green Belt. The parties have had an opportunity to comment on the change in status of the relevant policies during the appeal process. I, therefore, determine this appeal in accordance with the current development plan, unless material considerations indicate otherwise.

Main Issues

3. The main issues are:
 - the effect on the character and appearance of the area, and;
 - the effect on the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character and appearance

4. The appeal site includes a bungalow located in Park Corner Drive, a cul-de-sac in the settlement of East Horsley which is characterised by a variety of large detached two-storey dwellings, more modest bungalows and substantial pairs of semi-detached properties within spacious plots. The dwellings to either side of the appeal site and opposite have a broad consistency of front building lines

- that are set back behind large front gardens with some associated driveways and parking areas. Differences in the alignment of buildings are evident closer to the junction with Ockham Road South and towards the turning head.
5. The aforementioned characteristics of the nearest dwellings provide a sense of space as the presence of mature trees and hedgerows within the street frontages are more common than the limited instances of formal boundary treatments. Consequently, when taken together with the backdrop of tree lines visible in gaps between dwellings and at the end of the street, there is an evident verdant and spacious character along the nearby section of Park Corner Drive. The open frontages and landscaping also serve to soften the perception of built form when taken together with an associated transition of building heights. In the latter respect, the presence of bungalows between the substantial frontages of semi-detached pairs and the large detached dwellings on each side of the road assist in demarcating a subtle change in character and the assimilation of the upward slope of land levels towards and beyond the site.
 6. The proposal consists of a two-storey detached house to replace the existing bungalow and is a revised scheme following the dismissal of a previous appeal¹ relating to the demolition of a bungalow and the erection of a pair of semi-detached houses. Since this appeal was submitted, a further appeal² has also been dismissed for an alternative scheme for the erection of a pair of semi-detached houses comprising a different design including lower ridge heights and reduced widths of the properties.
 7. The appellant sought to address the concerns of the Inspector who determined the first appeal by reducing the number of dwellings proposed, together with alterations to the design of the building including reducing its overall width and slightly reducing its overall height and depth. In doing so, the proposal includes a crown roof with ridge detailing, a lowered eaves height and shortened ridge length with the intention to give the impression of a full pitch and a reduction in the overall bulk of built form apparent from public vantage points. It follows that the proposal before me differs from the appeal proposals considered by the previous Inspectors insofar as it overcomes their evident concerns that narrower semi-detached properties and plots would harmfully contrast with those nearby such as Windover and Two Steps, with a resultant incongruity of the density of development. However, the previous Inspectors also expressed concerns in terms of the overall bulk, height, dominance and discordant nature of the design of the proposals upon which they made their decision.
 8. With regard to the above, the proposed two storey dwelling would be set in from each side boundary. However, despite the side spacing proposed and the inclusion of a set back single storey element, the taller sections of the building would be perceived as relatively close to the boundaries with neighbouring dwellings. This visual effect would arise from the catslide roof design of the single storey element continuing from the crown roof and front gable with an intervening chimney closest to Two Steps, and the inclusion of a side hipped roof with chimney adjacent to Junipers. The associated increase in built form arising from the replacement of the existing bungalow, whilst stepped up in height relative to Two Steps due to the difference in land levels, would result in the dwelling having a substantial form and roof with a similar overall height to Junipers despite that latter property being at a slightly higher land level. As a

¹ Appeal ref APP/Y3615/W/18/3198147 - Dismissed - 19 December 2018

² Appeal ref APP/Y3615/W/19/3227576 - Dismissed - 3 September 2019

consequence, the introduction of the dwelling as proposed would appear bulky and would undermine the existing characteristic transition between the building heights of the semi-detached properties and those at higher land levels, whilst also obscuring some existing views of the tree-lined backdrop to the site.

9. The resultant dominance of the dwelling within the site and its contrast with those immediately surrounding, would be emphasised by the prominent gable features within the front elevation. Although front gables are a common feature of the street scene, they are generally a more subservient component of the varied architectural styles and massing of neighbouring buildings. In contrast, whilst the gable features proposed would provide a balanced appearance to the frontage, their overriding proportions would accentuate the height, scale and bulk of the property. Consequently, when taken with the associated chimneys, the front gables would introduce an overly vertical emphasis to the property that would harmfully contrast with the horizontal emphasis which characterises those nearby. The incompatible scale and proportions of the dwelling would be exacerbated by the raised land levels relative to Park Corner Drive, whilst the extensive surfaced areas on the frontage to provide driveways and parking would also accentuate the contrast of the proposal with the verdant and spacious character of its surroundings. The proposal would, therefore, be viewed as a discordant, dominant and harmful addition to the street scene and would appear out of place. The harm would not be mitigated by the slight set back of the front building line relative to those surrounding, or overcome by the proposed use of materials or additional landscaping as proposed.
10. Policy EH-H8 of the East Horsley Neighbourhood Plan (NP), made July 2018 is not included in the Council's decision notice but has been drawn to my attention as relevant in the appellant's evidence. The policy requires infill development, amongst other things, to be surrounded by existing development and have a size and massing no greater than that of surrounding property, to which the proposal would broadly accord given the variation in architectural style, size, scale and massing of properties nearby. However, the absence of conflict with that particular policy does not override the harm I have identified.
11. I conclude that the development would harm the character and appearance of the area. The proposal would, therefore, conflict with Policy D1 of the LP, Saved Policy G5(2) of the Local Plan 2003 and Policy EH-H7 of the NP. The policies, when taken together and amongst other things, seek high quality design that responds to the distinctive local character of the area in which it is set, respects the scale, height and proportions of the surrounding environment, reinforces locally distinct patterns of development and is in keeping with the established character of East Horsley and the style of properties in the surrounding area. The aforementioned policies are consistent with the design objectives of the Framework.

Effect on the Thames Basin Heaths SPA

12. The site is in the 400m to 5 km buffer zone of the Thames Basin Heaths SPA (and Ockham and Wisley Common SSSI), which is an internationally designated site of nature conservation importance, with special reference to internationally important bird species; woodlark, nightjar and Dartford warbler. The Council confirmed during the appeal process that in line with its Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 SPD it will only seek to secure a financial contribution via a legal agreement to mitigate against

harm to the integrity of the SPA where a proposal would result in a net increase in the number of residential units, and on that basis, there would be no likely significant effect on the SPA. The Council, therefore, has not sought to defend the associated reason for refusal.

13. With regard to the above, the replacement dwelling would remain within the same definition of a dwellinghouse whereby it could be occupied by a single household of up to 6 residents. To my mind the proposal, therefore, would not be likely to significantly impact upon or adversely affect the integrity of the protected sites in combination with other projects and in terms of increases in population, visitor or recreation pressure despite the increase in the number of bedrooms proposed. In such circumstances, I am satisfied that an Appropriate Assessment in relation to the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) is not required.
14. I conclude that the proposal would not have a harmful effect on the Thames Basin Heaths SPA. The proposal, therefore, would not conflict with Policy P5 of the LP, Saved Policy NE4 of the Local Plan 2003 or Saved Policy NRM6 of the South East Plan 2009, as supported by the Habitats Regulations and consistent with the Framework. Taken together, these require the safeguarding of international, national and locally designated sites and protected species.

Other Matters

15. The development would provide for a satisfactory living environment for future residents and would have an appropriate relationship with neighbouring properties so as to preserve the living conditions of occupiers in terms of privacy, outlook and light. The dwelling would also provide a two way driveway which would be a safe and acceptable highway solution for the limited increase in traffic that would arise from the proposal. Furthermore, adequate parking would be provided within the site. Consequently, the development would not have a detrimental impact upon highway safety. Nevertheless, the absence of concern in each of those respects are neutral factors which do not weigh in favour of the development. As the proposal is for a replacement dwelling it would not constitute a net addition to housing supply, although greater energy and water efficiency could be achieved by condition and there could be limited benefits to the local economy during the periods of its construction.

Conclusion

16. I have found no harm in terms of the effect on the Thames Basin Heaths SPA, together with other matters such as the living conditions for occupiers of neighbouring properties, the living environment for future residents and highway safety. However, the absence of harm in those respects and the limited benefits associated with a replacement dwelling does not justify the harm upon the character and appearance of the area. The harm in that respect is decisive upon the outcome of this appeal and reflects conflict with the development plan and the Framework that is significant and overriding.
17. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR