
Appeal Decision

Site visit made on 9 October 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2019

Appeal Ref: APP/Y3615/W/19/3233618

Christmas House, Chinthurst Lane, Shalford GU4 8JS

- 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 T Shea against the decision of Guildford Borough Council.
 - The application Ref 18/P/02240, dated 21 November 2018, was refused by notice dated 19 June 2019.
 - The development proposed is the erection of three detached houses with two detached garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposals on (i) the character and appearance of the area; (ii) the Area of Great Landscape Value (AGLV) and; (iii) whether the proposal provides an appropriate housing mix.

Reasons

Character and appearance

3. The appeal site is a rectangular shaped plot which extends behind the rear gardens of the host dwelling, 'Christmas House' and the neighbouring dwelling, 'Crossways'. It is now fenced off having previously formed part of the garden of the host dwelling. Access to the site would be via the existing driveway that serves the host dwelling and runs along the side boundary with 'Crossways'.
4. The north-western boundary is lined with mature trees, beyond which is an area of open green space. The north-eastern boundary also has a mature tree screen. The south western boundary which adjoins the rear garden of Crossways also has trees and a tall hedgerow. There is a hedgerow and a mature tree on the south-eastern boundary and the absence of a full tree screen allows views into the site from public vantage points, including the public footpath that runs along this boundary. The site is slightly elevated above the host dwelling and those fronting Chinthurst Lane. It is open in character having been cleared of previous vegetation and has remnants of a tennis court and a pond.
5. The dwellings on the northern side of this part of Chinthurst Lane are large two and three-storey detached dwellings. They sit within large plots with generous

garden areas. There is no common building line however, the dwellings front onto the lane and sit back from the street behind mature trees and hedgerows. The dwellings on the opposite side are more modest, detached dwellings which are also set back from the street edge. However, they have a more uniform building line. The considerable distances between the frontages of the houses along the lane, together with the abundance of vegetation and trees, creates a distinctly open, leafy and suburban character.

6. The appeal proposal would involve the development of three, two-storey detached dwellings with integral double garages, basements and car parking spaces to the front. One dwelling (House A) would sit to the rear of the host dwelling and the other two (Houses B and C) would sit to the rear of 'Crossways'.
7. The layout of the proposed dwellings would be in contrast the prevailing character of dwellings in this part of Chinthurst Lane by incongruously introducing a cul-de-sac style development with access to the dwelling gained via a long access road. The three dwellings would be clustered around a central turning circle and would appear unduly dominant by reason of their size, scale and bulk and proximity to each other when viewed from the adjacent dwellings and public vantage points. This would be at odds with the distinctive pattern of development on this part of Chinthurst Lane which is one of dwellings predominantly fronting onto the street with significant separation distance between the front elevations.
8. The appellant argues that the proposals are sizeable dwellings set within reasonably sized plots and would have sufficient separation distances to the boundaries and each other. However, the rear and side elevation of House A and the side elevation of House B, would be in close proximity to the boundaries with the open fields which lay beyond. Subsequently, the size and scale of the proposals are such that they would unacceptably erode the open character. I also note that the dwellings would be constructed in similar traditional materials to the surrounding properties, however this does not alter or outweigh the harm identified.
9. I conclude on this issues that the scale, bulk, layout and location of the proposal, would be out of keeping with the distinctive pattern and setting of existing development within the surrounding area. Consequently, the appeal proposal conflicts with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (the LP) (2015-2034), which requires new developments to achieve high quality design and enhance the environment in which they are set.

Area of Great Landscape Value

10. The appeal site lies within an AGLV and Policy P1 of the LP states that development proposals will be required to demonstrate that they would not harm its distinctive character which is one of high visual quality, worthy of conservation. The supporting paragraphs highlight that the AGLV has its own inherent landscape quality and is significant in conserving the landscape setting of some towns and villages.
11. The dwelling which would be to the rear of the host dwelling (House A) would be largely hidden from public view by the tree screen and by the two other dwellings. However, these dwellings (House B & C), would be visible from both the adjacent public footpath and from the footpath which is across the open

fields to the south-east, due to their excessive size, height and mass on land which is elevated above the existing dwellings. The relatively modest separation distances between the side elevation would unacceptably introduce a prominent and bulky form of development on an area free from built form. The resultant mass would be harmful to the open character of this part of AGLV.

12. The appellant argues that the site is in a part of the AGLV which is less sensitive than the more open areas to the east due to it covering a relatively densely developed residential area. However, due to the significant tree cover and associated hedgerows and vegetation, the bulk of the existing dwellings are largely obscured with only glimpses of the elevations and roofs. By contrast, a large proportion of the rear elevations and the roofs of Houses B and C would be more visible resulting in harm to the openness and character of the AGLV. Whilst planting along the south eastern boundary could reduce views into the site, this would not overcome the harm to the open character of the land and the proposal would still be at odds with the distinctive pattern of development in the area.
13. I conclude on this issue that the proposal would be an unacceptably dominant landscape feature by reason of its scale, bulk, layout and location, which would harm the distinctive character of the AGLV. The proposal would therefore conflict with Policy P1 of the LP which requires, amongst other things, development to demonstrate that they would not harm the distinctive character of the AGLV.

Housing mix

14. Policy H1 of the Local Plan requires new residential development to deliver a wide choice of homes and should provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location. Whilst I am mindful that there is a proportionally greater need for two and three-bedroom properties, the latest Strategic Housing Market Assessment states that there is also a need for four-bedroom dwellings.
15. The prevailing character of the surrounding area is one of large family dwellings and therefore the provision of dwellings with four bedrooms would be appropriate to this location. Accordingly, the proposals would comply with Policy H1 of the LP, which requires developments to provide a mix of housing suitable to its characteristics and location.

Other matters

16. Local residents have expressed a range of concerns in relation to the lack of public engagement, overbearing, loss of privacy, light pollution, absence of a Landscape and Visual Assessment, overcrowding, need for housing and lack of social infrastructure. As I have found the proposal to be unacceptable for other reasons and these matters would not affect my overall judgement of the proposal, it is not necessary for this decision to address those other concerns any further.
17. I have also had regard to highway safety and the lack of pavement and street lighting, however I note that the highway authority offer no objection to the proposal and I have no evidence to the contrary. An extract of a recent appeal

decision has also been brought to my attention¹, however I do not have the full details, and, in any event, the circumstances are likely to have been different given it involved a house extension.

Conclusions

18. Whilst I find that the proposal would not be harmful to housing choice, I have found that when the proposal is considered as a whole, harm would be caused to the character and appearance of the area and the distinctive character of the AGLV. Consequently, the appeal proposal conflicts with development plan policies and I conclude that the proposal would be contrary to the development plan as a whole.

19. For the reasons above the appeal is dismissed.

Neil Smith

INSPECTOR

¹ APP/Y3615/D/16/3162593