
Appeal Decision

Site visit made on 8 October 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/Y3615/W/19/3231989

3 Littleholme, Upper Guildown Road, Guildford GU2 4EZ

- 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 Mrs Stephanie Webster against the decision of Guildford Borough Council.
 - The application Ref 19/P/00583, dated 29 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is use of the annexe known as No. 3 Littleholme as an independent dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for use of the annexe known as No. 3 Littleholme as an independent dwelling at 19/P/00583 in accordance with the terms of the application, Ref 19/P/00583, dated 29 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 300.01, 300.02, 300.03, 300.04, 300.05.

Application for costs

2. An application for costs was made by Mrs Stephanie Webster against Guildford Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council's decision notice includes a different description to that given on the original planning application or the appellant's appeal form. The decision notice refers to the description having been amended on 10 April 2019. I have not been provided with any evidence to confirm the appellant accepted the change. As a result, I have used the original description in the formal header and decision.

Main Issues

4. The main issues are (i) whether the development would preserve or enhance the setting of the listed building and (ii) the effect of the development on the Thames Basin Heath Special Protection Area (TBHSPA).

Reasons

Listed Building

5. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. This provision is reflected in paragraph 192 of the National Planning Policy Framework (the Framework) which states that in determining applications, the desirability of sustaining and enhancing the significance of heritage assets should be taken into account.
6. The appeal relates to an Arts and Crafts style Grade II Listed building which has been subdivided into three individual units. Its significance lies in the renown of the architect, its design, the materials used and its siting in a prominent location with panoramic views of the valley. It was converted into three separate dwellings in the 1950s. This was prior to the listing of the building.
7. As far as I have been made aware, No 3 has always been in some form of residential use. When permission was granted for the new detached dwelling to the side of the terrace (the 'New House'), the occupation of No 3 was conditioned to an annexe in the interests of the living conditions of neighbours. There is nothing to suggest the restriction in occupancy related to heritage.
8. The Council has not suggested that removing the restriction on occupancy would have any impact on the living conditions of those living in the remainder of the terrace or the adjacent dwelling. I have no reason to come to a different conclusion. The proposal also includes no physical changes to the building. I am satisfied therefore that the change in the nature of the occupancy would have a neutral impact on the significance of the building and its setting.
9. The Council's main concerns appear to relate to changes to the boundary of the site proposed. This relates only to the 'redline' of the application, which takes in the patio immediately to the rear of the house and the path which runs alongside it, including existing steps. This boundary would extend to an existing bank of landscaping running between the site and the detached dwelling. The Council are concerned that this would fragment No 3 from its original front and side gardens. No physical changes to the boundaries are proposed.
10. The officer report raises concerns over the nature of boundary treatments and planting that have already taken place. These are however outside the scope of this appeal. Nevertheless, while I saw some evidence of recent planting, in the main the landscaping in and around the site appeared mature and established. Photographic evidence provided by the appellant also suggests that there was a large amount of landscaping running between No 3 and the plot of the new dwelling. The Council has not disputed this was the case. The size and appearance of the front garden area would not change significantly, and there appears to have been some pre-existing segregation with land to the east. The development of the 'New House' will have already significantly altered the visual relationship between No 3 and the plot to the east.
11. In terms of what has been applied for, I see nothing that would lead me to conclude the setting of the building would be harmed. The open areas around

the site would still be in use as garden and, as no physical alterations are proposed, there would be no change in the visual appearance of the site and the function of the spaces would remain the same. The established relationship between the new dwelling and No 3, and any effect that has had on the setting of the building, would also not be altered by the proposal before me. Concerns over the maintenance of the space in front of the dwelling are also outside the scope of the appeal.

12. Main views of the building would also be unaffected by what is proposed here. Views from Upper Guildown Road are already affected by mature landscaping along the edge of the road. Only the roof line is discernible to any degree and this would not be affected. Views from the south would also not be altered, with the garden area directly to the front of the dwellings being outside the scope of the application. There is nothing in the evidence to suggest this area is in the control of the appellant and thus its current function and appearance would not change. The significance of the architecture would not be affected by the proposal and neither would the panoramic views of the valley.
13. I am not therefore persuaded by what is before me that the development would result in any harm to the significance of the listed building or its setting. Accordingly, there would be no conflict with saved Policy HE4 of the Guildford Borough Local Plan (GBLP)(2003). There would also be no conflict with paragraphs 189-193 or 196 of the Framework. Collectively, these seek to ensure that development will not be permitted which would have an adverse impact on the significance of heritage assets.
14. The decision notice also refers to policies HE7 and HE10. These policies relate to impacts on Conservation Areas. The site is not in a Conservation Area. I am nevertheless satisfied that the development would have no adverse impact on the setting of the St Catherine's Conservation Area from which the site can be seen. There would therefore be no conflict with these policies.

Thames Basin Heath SPA

15. The site lies within the 400m – 5km buffer zone of the TBHSPA which is an internationally designated site of nature conservation importance with special reference to important breeding populations of birds. The proposal would effectively remain in residential use. Nevertheless, it would be reasonable to assume the removal of the restriction on occupancy and link to the 'New House' could, in combination with other development, increase the potential for recreational pressures on the TBHSPA. In such circumstances, the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require an Appropriate Assessment to be carried out.
16. Natural England have confirmed that it has no objection to the proposal subject to appropriate mitigation being secured in compliance with the Council's Avoidance and Mitigation Strategy for the TBHSPA. A signed and dated S106 Agreement was submitted with the appeal. This agrees to make a contribution of £3,749.27 as a contribution to the cost of upgrading Suitable Accessible Natural Green Space (SANG) and £411.01 toward Access Management and Monitoring. These contributions would be used in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy.

17. With the planning obligation in place, I am satisfied that the effects of the proposal on the SPA would be sufficiently mitigated so that there would be no adverse effect on its integrity.
18. Although not referred to in the Council's decision notice, there would be no conflict with Policy P5 of the Guildford Borough Local Plan: Strategy and Sites (2019). There would also be no conflict with saved policies NE1 and NE4 of the Guildford Borough Local Plan (2003) or Policy NRM6 of the South East Plan (2009). These policies seek to ensure there will be no adverse impacts on the integrity of the TBHSPA.

Other Matters

19. The Council's officer report raises several concerns over the works that have taken place in association with the 'New House' development. These all fall outside the scope of this appeal and have had no bearing on it.
20. The Council's officer report makes some reference to concerns over outlook and the effect on the amenity of future occupiers. These did not form part of the reason for refusal. Nevertheless, there is no substantive evidence to suggest that the use of the building as an independent dwelling would result in undue harm to the living conditions of future occupiers.
21. Concerns raised by interested parties refer to works that have been carried out to the building in the past and the design of the New House. These are not matters before me. There are therefore no material considerations that would lead me to a different conclusion.

Conditions

22. In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. The Council has not suggested any additional conditions and I am satisfied none are necessary.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR