



Appeal Decision

Site visit made on 7 October 2019

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2020

Appeal Ref: APP/Y3615/W/19/3230987

Land to the south of Tawny Cottage, The Street, West Clandon, GU4 7SX

- 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 and Mrs and Mr Malcolm and Thomas Gibbs and Illingworth against the decision of Guildford Borough Council.
 - The application Ref 18/P/01959, dated 10 October 2018, was refused by notice dated 20 December 2018.
 - The development proposed is the erection of two dwellings with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two dwellings with associated access and parking in accordance with the application Ref 18/P/01959, dated 10 October 2018, but subject to the attached schedule of conditions.

Preliminary Matters

2. The Guildford Borough Local Plan: strategy and sites (2015-2034) was adopted on 25 April 2019 ("adopted local plan"). Policy RE2 of the Guildford Borough Local Plan 2003, as cited on the Council's decision notice has been replaced by policy P2 of the adopted Local Plan. The main parties have had the opportunity to comment on the adopted Local Plan in the course of the appeal.
3. Further ecological surveys were submitted with the appeal. This is technical evidence that does not materially change the proposal. It can be accepted without prejudicing the interests of any parties. Following consideration of this information, the Council have advised that they no longer wish to contest the second reason for refusal.

Main Issue

4. Whether the proposal is inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies.

Reasons

Inappropriate development

5. The site is located within the Green Belt. Policy P2 of the adopted local plan enacts national planning policy, as set out in the Framework, where new development is proposed in such areas.

6. The Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. However, an exception is limited infilling in villages. Policy P2 of the Adopted Local Plan acknowledges that such infilling may be appropriate outside the relevant settlement boundary, where it can be demonstrated that the site should be considered to be within the village.
7. In this case the site is outside the relevant settlement boundary but forms a gap in a row of buildings facing the Street. This line of built development links the church and school, set to the south of the site, with the railway station and pub to the north. Whilst there are gaps found within this ribbon like frontage, including the appeal site, none of these represent a significant visual break that marks the end of the village. When viewed from the road these areas generally appear as residential gardens or amenity land, and not open countryside.
8. As such, the 'village' on the ground expands considerably beyond the settlement boundaries set out in the development plan and includes the site. The two plots would broadly reflect the prevailing pattern of plot widths, found along this side of the road. Furthermore, the size and scale of the proposed buildings would broadly follow the precedent set by the existing buildings that face this road. Only 2 new dwellings would be provided, which is clearly a limited scale of development given the total size of West Clandon. Accordingly, the scheme can be reasonably regarded as limited infilling in a village.
9. The proposal therefore meets the terms of the most relevant exception to inappropriate development. There is no conflict with policy P2 of the adopted local plan nor the relevant parts of the Framework which, amongst other things, seek to prevent inappropriate development from occurring in the Green Belt. As the proposal is not inappropriate development, there is no need to consider the effect of the proposal on the openness of the Green Belt, nor is there any requirement to demonstrate very special circumstances to justify the development.

Other Matters

10. Interested parties suggest that the site forms part of the rural setting of West Clandon. However, upon inspection the site appears as undeveloped land with no significant landscape quality, largely screened from the road by vegetation. Whilst the two buildings would adopt a broadly identical design, they would be complimentary in terms of materials, scale, density and vehicular access to other existing buildings along the road. They would be set away from the woodland to the rear of the site, preserving the setting of this area.
11. There would be a small loss of hedgerow to create the new vehicular access points to the site. However, it is clear from the arboricultural report and the design and access statement that the proposal has otherwise been designed to preserve existing trees of amenity value that currently exist on and around the site, including those protected by virtue of being within a Conservation Area. The Council accept this position, and I see no reason to disagree. Overall the proposal would complement the prevailing built and natural environment. There would be no harm to the character and appearance of the area.
12. Given the modest scale of development, additional traffic movements including those over the pavement to access the proposed dwellings would occur on an occasional basis. As such, they would not compromise any existing highway

infrastructure. Whilst the site is close to a bend in the road and accidents may have previously occurred in the vicinity of the site, the evidence before me does not clearly demonstrate the proposal would materially increase the risk of such events occurring. The highway authority did not object to the development, including the indicative visibility splays provided are appropriate, and highway safety concerns did not form part of the Council's reasons for refusal. I agree that the development is acceptable in transportation and highways terms.

13. The site is on a slight gradient. However, there would be a well sized gap between the proposed development and the nearest residential building, and the overall extent of hardstanding on the site would be limited, leaving a large area of soft landscaping which can potentially absorb surface water. As such, the proposed development would be unlikely to result in a material increase in rain water travelling from the site on to neighbouring land. Whilst there are accounts of subsidence in neighbouring properties, the technical evidence before me does not demonstrate that this land is unstable and therefore unsuitable for the residential development proposed. This concern was not reflected in the Council's reasons for refusal, and planning permission should not be withheld on this basis.
14. As noted previously, the proposal would be visually complimentary to existing development along the Street. It would also be set a sufficient distance away from existing residential properties to avoid any overbearing effect, overlooking or unacceptable loss of outlook. The effect on the living conditions of neighbouring residential occupants would be acceptable in all respects.
15. The proposed buildings would include rooflights. However, they would sit within an existing residential area where any wildlife is already subject to disturbance from other residential development and the adjacent main road. The ecological surveys submitted with the appeal indicate that great crested newts are not present on the site. As such, there would be no unacceptable harm to wildlife or ecological interests, including protected species, as a consequence of this development.
16. Reference is made by interested parties to historic planning decisions by the Council, and the previous justifications invoked for the felling of trees on the site. However, my decision must be based on the current situation at the site, and in accordance with the current planning policy framework.
17. The site falls within the setting of Summers, a listed building. The special character and significance of this building is derived from its well-preserved appearance and retained historic fabric, together with its landscaped garden. The proposed buildings would be set away from this designated heritage asset, in alignment with other existing residential buildings facing the Street. Accordingly, the development would preserve the setting of this listed building.
18. The site also falls within the West Clandon Conservation Area. The special character and significance of this area is derived from the well-preserved appearance of the historic buildings within it, including those that front on to the Street. The proposal would reflect the prevailing layout and would largely replicate the scale of existing buildings facing the road in terms of height, mass and set back from the road. The materials used would also be sympathetic to those found on other buildings within the surrounding area, and the wooded area found to the rear of the site. As such, both the character and the appearance of this Conservation Area would be preserved.

19. I note that there are concerns about the accuracy of the existing plans and the surveys on which they are based, together with the description of detailed elements of the proposed development in the design and access statement. However, the plans show the overall scale of the development above ground level, and this would be acceptable in terms of the impact on its surroundings. The detail provided is sufficient to determine the appeal.

Thames Basin Heath Special Protection Area

20. The site falls within the wider vicinity of the Thames Basin Heaths Special Protection Area (SPA). This provides a habitat for three internationally important bird species; woodlark, nightjar and Dartford warbler. These birds nest on or near the ground and, as a result, are susceptible to disturbance from informal recreational use, especially walking and dog walking.
21. The Guildford Borough Council: Thames Basin Heath Special Protection Area Avoidance Strategy 2017 is published information which provides a framework through which the impact of new residential development on the SPA can be assessed. For the purposes of this document the site falls outside of the zone of influence where mitigation is normally required, where new residential development is proposed. Whilst it falls within the wider 5-7km zone, it does not amount to large scale residential development, and consequently there is no requirement to consider mitigation according to this document.
22. I therefore conclude that the site is located a sufficient distance away from the SPA to avoid any risk of disturbance to the SPA and its qualifying features. A likely significant effect can be ruled out. It is not necessary to carry out an Appropriate Assessment in relation to this proposal.

Conditions

23. Conditions are necessary in the interests of certainty and to comply with legislation; in the interests of highway safety; to enact relevant standards in relation to energy and water consumption reflected in local planning policy; to make appropriate protection for ecological interests on and around the site including protected species; to make provision for sustainable road vehicles; and finally to secure a satisfactory standard of development in relation to the character and appearance of the area and the living conditions of existing residents, both in the construction phase and for the lifetime of the development. In some cases I have amended the wording of the conditions suggested by the Council to ensure they are concise, ensure the works are carried out in compliance with comprehensive details and otherwise meet the policy in the Framework on the use of planning conditions.

Conclusion

24. The proposal complies with the development plan and there are no other considerations that outweigh this finding. The appeal should be allowed.

Neil Holdsworth

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EX(0)001/D, EX(0)002/D, EX(0)003/B, EX(0)004/B, P(0)100/J, P(0)003/D, P(0)004/H, P(0)101/G, P(0)102/G, P(0)200/C, P(0)201/C, P(0)202/C, P(0)203/C.
- 3) No development shall take place above ground level until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 4) No development shall take place above ground level until an energy statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency within the development is being addressed. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
- 5) The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). No part of the development hereby approved shall be occupied until a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) has been submitted to and approved in writing by the Local Planning Authority.
- 6) The approved landscape scheme (shown on drawing no. P(0)004/H) (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved.
- 7) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing with the local planning authority.
- 8) No part of the development hereby approved shall be occupied unless and until vehicular accesses with associated visibility zones facing on to The Street have been completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Once installed the visibility zones shall be retained thereafter, and the visibility zones shall be kept permanently clear of any obstruction over 1.05m in height unless otherwise specified in the plans approved in response to the requirements of this condition.
- 9) The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans to enable

vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning area shall be retained and maintained for its designated purpose for the lifetime of the development.

- 10) The development hereby approved shall not be occupied unless and until the proposed dwellings are provided with electric vehicle charging points in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. Once installed, the electric vehicle charging points shall be retained for the lifetime of the development.
- 11) The development shall be carried out in accordance with the Arboricultural Implications Study and Tree Protection Strategy (Honey Tree Specialists LTD, 26/06/18). With the exception of site clearance and the construction of new vehicular access points, no development shall commence until the fencing specified in this report has been erected around retained trees in accordance with a detailed plan that has been submitted to and approved in writing by the local planning authority. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.
- 12) The development hereby approved shall be carried out in accordance with the precautionary approach detailed in the Reptile and GCN Survey 2019 (by The Ecological Partnership) in accordance with the approved timetable detailed in the ecological assessment.
- 13) With the exception of site clearance and the construction of new vehicular access points, no development shall commence until a construction transport management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of
 - a) Parking for vehicles of site personnel, operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials;
 - d) Measures to prevent the deposit of materials on the highway.

The development shall be carried out in accordance with the details approved under the terms of this condition.

End of Schedule