
Appeal Decision

Site visit made on 17 February 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/Y3615/W/19/3242824

Littledene, 2 Guildown Avenue, Guildford GU2 4HB

- 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 Patrick Latham against the decision of Guildford Borough Council.
 - The application Ref 19/P/00839, dated 10 May 2019, was refused by notice dated 4 December 2019.
 - The development proposed is the erection of one detached new dwelling with parking and access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. With respect to the Council's second reason for refusal, the appellant has submitted in support of the appeal a planning obligation (a S106 agreement) in regard to a financial contribution of £9,120.58 towards Suitable Alternative Natural Green Spaces (SANGS) and £999.82 towards Access Management and Monitoring. It also includes a payment of £730 to the Council as a contribution towards legal costs and a payment of £500 to the Council as a monitoring fee in connection with the Council's expenses. Although signed by the appellant, the agreement is not dated and is not signed by the Council. I return to this matter later.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the designated Thames Basin Heaths Special Protection Area.

Reasons

Character and appearance

4. The appeal site is in the rear garden of Littledene, a property on the northern side of Guildown Avenue, located within an urban area of Guildford.
5. Guildown Avenue is characterised by mainly substantial detached properties of varying architectural styles mainly positioned towards the front of generally wide plots with large rear gardens that provide a sense of spaciousness.

6. Notwithstanding these characteristics, Littledene is positioned within a plot somewhat narrower than many others along the northern side of Guildown Avenue. The evidence indicates that the original plot had previously been sub-divided to accommodate the erection of the adjacent property 'Laneside'. Furthermore, the rear garden of Littledene narrows appreciably towards The Mount that runs closely parallel to Guildown Avenue. The Mount is a relatively narrow road bordered with grass verges, mature planting and other foliage and so has a distinctly more rural feel than Guildown Avenue.
7. I saw on my site visit several properties along the southern side of The Mount positioned on land that would appear originally to have been the rear gardens of properties on the northern side of Guildown Avenue. These properties are accessed from The Mount and have a variety of boundary treatments. Some have solid timber gates at their entrances in contrast to the soft verdant characteristics of this section of The Mount.
8. The proposed dwelling would be a substantial detached property and would be erected approximately in the centre of the sub-divided plot. A new access to the site would be formed off The Mount, approximately opposite a public footpath which represents the boundary between the last property on the northern side of The Mount and open fields.
9. As a result of the narrowness of the plot towards The Mount, and the size and position of the footprint of the proposed dwelling, it would substantially fill the width of the plot. The depth of the building would be greater than its width and the area of hardstanding to the front of the dwelling would extend virtually across the full width of the plot. These factors, taken in combination, would result in a denser and cramped form of development. This would be at odds and, hence, out of character with the general pattern and form of development in the immediate vicinity of the appeal site which has a greater sense of spaciousness, where buildings are positioned within generally large and noticeably wide plots.
10. The sheer scale of the proposed dwelling, exacerbated by its position on higher ground compared to ground levels along The Mount adjacent to the site, would overwhelm and dominate the sub-divided plot. Consequently, and notwithstanding the presence of mature trees and vegetation along the Mount and the proposed planting, the development would appear uncharacteristically prominent and out of place when viewed from the public domain.
11. The Council has raised concern that the proposal would introduce '*substantial and solid gates at the entrance to the site*' which would undermine '*the rural character of the area*'. The plans indicate that '*timber gates*' would be erected to provide access from the proposed driveway off The Mount to the hardstanding area in front of the proposed dwelling. I have no other details about the proposed timber gates before me. However, whilst I acknowledge that some existing planting along this section of The Mount would need to be cleared to facilitate construction of the proposed access to the site, I am satisfied that a condition could be imposed to ensure that the size and design of the proposed '*timber gates*', and indeed the boundary treatment at the front of the appeal site, would not result in visual harm to the more rural character and appearance of this section of The Mount.

12. The Council has also raised concern about the design of the proposed dwelling, citing the prominence of the projecting front gable due to its excessive width, lowered eaves level and over-scaled bay feature, and the awkward junction where the projecting gable meets the adjacent central gable. Taking into account that some other properties in the area have some of these features, and the varying design characteristics of buildings within the surrounding area, I am satisfied that the aforementioned design features would be acceptable. To this extent, the proposal would accord with the design aims of Policy G5(7) of the Guildford Borough Local plan 2003 (GBLP).
13. However, the proposed dwelling, by virtue of its substantial size relative to the size of the plot would appear 'squeezed' in the street-scene thereby conflicting with the prevailing pattern of development along the northern side of Guildown Avenue and the southern side of The Mount. In the context of the pattern of development in the vicinity of the appeal site, the proposal would give rise to an unacceptably cramped appearance.
14. For the reasons outlined above, I conclude that the proposal would be significantly harmful to the character and appearance of the area. Consequently, it would not accord with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (2019) (LP), Policies G5(2) and G5(3) of the GBLP, and chapter 12 of the National Planning Policy Framework which, amongst other things, set out to ensure that all new development reflects the distinct local character of the area and will respond and reinforce locally distinct patterns of development.
15. In reaching the above conclusion, I have considered comments made about other residential development that has been permitted by the Council along the southern side of The Mount relatively close to the appeal site. However, these developments are different to those of the appeal proposal in so far that they are generally positioned on wider plots. The appeal development would be seen in the context of the dwellings located on the northern side of The Mount east of the public footpath which are more modest and on smaller, narrower plots. Therefore, this is not a matter which alters or outweighs my conclusion on this main issue.

Special Protection Area

16. The appeal site is located within the 400m to 5km buffer zone of the Thames Basin Heaths Special Protection Area (SPA). As noted in paragraph 2 above, the appellant has submitted a planning obligation, which the Council says is necessary to secure measures to mitigate for the impact of the proposed development on the integrity of the SPA.
17. Had the proposal been acceptable in planning terms, it would have been necessary for me to undertake an Appropriate Assessment (AA) as the competent authority. However, regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission.
18. Thus, and given my overall conclusion on the character and appearance main issue, it has not been necessary for me to pursue this matter any further. Indeed, a possible finding that there would be no adverse effect on the integrity of the SPA would be a matter of neutral consequence in the overall

planning balance. In this respect, it has not been necessary for me to conclude against Policy NE4 of the GBLP or saved Policy NRM6 of the South East Plan 2009. The Council has referred to Policy NE1 of the GBLP in their refusal notice. However, this policy relates to potential Special Protection Areas, therefore is not directly relevant to this case.

Conclusion

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

Andrew Bremford

INSPECTOR