



Appeal Decision

Site visit made on 1 September 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/Y3615/W/19/3241724

Land to the south of Champney Cottage, Cranmore Lane, West Horsley, KT24 6BW

- 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 Concept Developments against the decision of Guildford Borough Council.
 - The application Ref 19/P/01234, dated 11 July 2019, was refused by notice dated 11 October 2019.
 - The development proposed is the erection of 5 no. residential dwellings, with associated access works, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 5 no. residential dwellings, with associated access works, parking and landscaping at Land to the south of Champney Cottage, Cranmore Lane, West Horsley, KT24 6BW in accordance with the terms of the application, Ref 19/P/01234, dated 11 July 2019, subject to the conditions set out in the schedule attached to this decision.

Procedural Matter

2. Following the decision of the Council, the appellant has submitted an updated drawing, number P08 Rev A. This drawing shows a correction to the elevation of the existing Champney Cottage on the proposed street-scene. As such, the proposal itself remains unchanged. I do not therefore consider that my consideration of this amended drawing would prejudice the interests of any interested parties or deprive those who should have been consulted on any change to the proposal the opportunity of such consultation. My decision has therefore been taken on the basis of this updated plan.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area with regard to i) the transitional rural edge of the village, ii) the existing built environment, and iii) whether or not the proposal offers an appropriate housing mix.

Reasons

4. The appeal site is an area of open land bordered by trees and vegetation, on the eastern edge of West Horsley, within the settlement boundary. There is existing residential development to the north at Champney Cottage, to the west on Mount Pleasant, and a number of dwellings and associated buildings to the north-east. This part of the village has many trees and green verges, giving

a generally green, semi-rural, low-density character and appearance. This green character is recognised in the character area assessment in the West Horsley Neighbourhood Plan, 2016-2033, adopted December 2018 (the NP).

Character and appearance with regard to the transitional rural edge

5. The Council characterises this part of the village as reducing in density towards the settlement edge, forming a transition between the open countryside and the built area of the village. However, whilst I agree that the site is on the edge of the village, I do not agree that it necessarily contributes to the transitional rural edge. Instead, given the scale, density and appearance of the housing on Mount Pleasant, Overbrook, and indeed the small group of houses to the north of the site including Champney Cottage, the change from open countryside to built area which takes place on or adjacent to the appeal site is in my view somewhat abrupt.
6. I acknowledge the West Horsley Neighbourhood Plan, 2016-2033, adopted December 2018 (the NP) characterisation of this part of the village as having a green character, and I agree with it. However, I do not agree that there is a gradual lessening of the density and built environment travelling westwards into, across and beyond the site. Instead, in my view, there is simply a change from housing in a green and verdant setting, to green and verdant countryside.
7. In my opinion, the location of the site, within the settlement boundary adjacent to existing housing, surrounded by trees and vegetation which is to be retained and enhanced, and adjacent to a lane which provides a strong boundary to the village edge, is appropriate for the development proposed, having regard to the existing character and appearance of the village. As a result of the existing and proposed screening, the proposal would not affect and cause unacceptable harm to any public views into or out of the village.
8. Given the scale and density of the housing immediately adjacent to the site, and that housing in this part of the village more generally, I consider that the scale of the proposal is consistent with that which surrounds it. It is not significantly more dense, nor are the particular dwellings or the overall site size inconsistent with the established character and appearance of the area. As a result, I do not consider that the proposal would represent a significantly more urban form of development than that which already exists.
9. I consider that the arrangement of the site is similarly appropriate in light of the established character of the area. The site layout treads the line between the more formal, linear lines of Mount Pleasant, the softer arrangement of Overbrook, and the looser collection of dwellings to the north and north-east of the site. Plots 1, 2 and 3 establish and follow a building line with Champney Cottage and Cranmore Lane. Plots 4 and 5, along with the garaging, parking and internal access, have a less formal, linear relationship to the other plots. The overall impression of layout and arrangement is similar to other development in the area.
10. I acknowledge that an argument could be made for the change from a green and verdant undeveloped piece of land within the settlement boundary to a similar piece of land beyond the settlement boundary being the transitional rural edge which the development plan seeks to protect. However, on the basis of the plans showing the existing and proposed built form, and my own observations on site of the green and verdant character and appearance of the

existing parts of the village and the undeveloped land within and without the settlement boundary, I do not consider that development of the site would fail to respect the transitional rural edge of the village. In my view, that transitional edge character is not confined to the appeal site, and the development of the appeal site would not harmfully disrupt the overall transition effect which persists towards, across and beyond the settlement boundary itself and the land to either side of it.

11. I also do not agree that the proposal would disrupt the relationship between the built area of the village and the surrounding landscape. Instead, for the reasons set out above, I consider that the proposal is entirely appropriate to, and consistent with that established relationship.
12. For the reasons given above, I therefore consider that the proposal is in accordance with Policy D1 (1), (4) and (17) of the Guildford Borough Local Plan: Strategy and Sites, 2015-2034, adopted 2019 (the Local Plan), saved Policy G5 of the Guildford Borough Local Plan 2003 (the 2003 Local Plan), and Policy WH2(i) of the NP. These policies seek, amongst other things, to direct new development to land within the settlement boundary, and ensure that development is responsive to local character and context, the settlement pattern, including the landscape setting and the relationship between the built area and the surrounding landscape.

Character and appearance with regard to the existing built environment

13. The proposed dwellings feature a mixture of materials, with brickwork, timber, render and tile-hanging, stone-detailing and plain tiles, all of which are consistent with the materials palette used elsewhere in the village. Similarly, the form of the proposal, with a mixture of hipped and gabled roofs is consistent with that found elsewhere. Although the relative ridge height of the proposed dwellings rises from Champney Cottage through the site, this is broadly consistent with the rise in ground level, and the two-storey form is not dissimilar to height and scale found in the surrounding area.
14. With regard to plot spacing and plot sizes, I do not agree that these appear small, out of keeping with the area or would make the development appear cramped. In my opinion, the scale, arrangement, spacing and plot sizes of the proposal are consistent with that of the surrounding area. As such, the proposal is sympathetic to the existing built environment and does not cause harm to the character and appearance of the area with regard to the existing built environment.
15. The proposal does therefore accord with Policy D1 (1) and (4) of the Local Plan, saved Policy G5 of the 2003 Local Plan and Policy WH2(ii) of the NP. These seek, amongst other things, to ensure that development features high-quality design, is responsive to the distinct local character and context, and respects the scale, proportion, materials and form of its surroundings.

Housing mix

16. Policy WH4 of the NP sets out support for new residential development within the village, provided proposals have regard to the need to deliver a housing mix of 1, 2 and 3 bedroom open-market homes and 40% affordable-housing, defined nationally. The policy does not preclude the delivery of larger homes nor does it set a threshold for its application. As the proposal does include some 3 bedroom homes, I consider that it does have regard to the need set out in the NP policy and delivers housing of the size it seeks.
17. Policy H1 of the Local Plan, adopted in 2019, after the adoption of the NP, sets the housing mix and standards to be sought across the Borough, and notes the requirement to provide housing sizes appropriate to the site size, characteristics and location. In seeking to meet needs identified in the Strategic Housing Market Assessment (the SHMA), the supporting text notes that there is a requirement for larger homes, including those with 4 bedrooms, as provided by the proposal.
18. Therefore, whilst the proposal is not entirely compliant with the requirement of Policy WH4 of the NP, it does comply with Policy H1 of the Local Plan to deliver a wide choice of homes to meet a range of accommodation needs as set out in the SHMA. I note also that Policy H1 of the Local Plan is more recently adopted policy. As such, I consider that the proposal accords with the development plan with regard to the housing mix proposed.

Other Matters

19. Representations have been made concerning surface water drainage issues in the area and the relationship of the proposal to these. The appellant has submitted a proposal to address surface water drainage, and the Council has suggested that a pre-commencement condition would be an appropriate method to ensure that surface water drainage is properly dealt with. I agree with this approach.
20. Comments have also been made concerning the legal right to access the proposal over what is currently a private road which is also designated as a bridleway. The planning process does not override separate legal rights, nor does it provide legal rights where none currently exist. As such, it remains for the appellant to secure and maintain these rights, separately from the planning application and appeal process. I am however satisfied that the proposal will provide suitable levels of parking and manoeuvring space for the proposed dwellings, can be safely accessed that and concerns over construction traffic can be addressed by way of a condition.
21. I note objections relating to potential loss of privacy, overlooking and any overbearing effect. However, given the separation distances between the proposed dwellings, Champney Cottage and the houses on Mount Pleasant, as well as the boundary treatments, level changes and the fenestration proposed, I am satisfied that the proposal would not give rise to any harmful loss of privacy, overlooking or overbearing effects.
22. Policy WH8 of the NP identifies Champney Cottage as a local heritage asset and sets policy considerations as a result. The National Planning Policy Framework (the Framework) also guides consideration of development proposals in such circumstances. I have had regard to the representations on this point, the

conclusions of Council officers in their report to committee, and my conclusions on the other Main Issues above. Public views of Champney Cottage are limited to glimpses from the public footpath to the north and bridleway to the east. The immediate setting of the cottage would of course be changed by the appeal proposal. However, following the proposal, the cottage would be set within its own separate, private garden, which would, in my opinion still allow the building to be appreciated and understood as a local building of historic interest. I do not consider that the significance of the cottage as a non-designated heritage asset would be harmed as a result.

23. Representations have also been made concerning the impact of the proposal on trees on the site, any protected species and the need for biodiversity net gain. The application was accompanied by an Arboricultural survey and report, which highlight the trees to be retained, and the method for doing so. Additional planting is also identified in the submission, and approval of details of the landscaping proposals and their long-term management are required by condition. Similarly, a Preliminary Ecological Appraisal Report identified that there were no protected species on site, but highlighted a number of recommendations, which can be secured by condition to accommodate any use of the site by foraging or commuting protected species. The implementation of those recommendations would also secure the biodiversity net gain required by development plan policy.

Conditions

24. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2), in order to ensure the satisfactory appearance of the completed development. The Council has suggested a number of conditions to be attached, should planning permission be granted. I have considered these against the tests in, and requirements of both the Framework and the Planning Practice Guidance
25. Condition 3 is necessary to ensure that the development could be carried out safely and without detriment to highway safety and convenience in the area, condition 4 is necessary to ensure proper arrangements would be in place for dealing with surface water drainage of the site and access, and condition 5 is necessary to ensure that appropriate measures are in place for the protection of existing trees. These conditions are required prior to the commencement of the development as these are matters which could not be addressed at any later stage, should planning permission be granted and the development commence.
26. Conditions 6, 7, 8 and 9 are necessary to ensure the satisfactory appearance of the completed development, in order to protect the character and appearance of the area. Conditions 10 and 11 are necessary to ensure that the development meets the sustainability and energy efficiency requirements of the Local Plan and associated supplementary guidance. Condition 12 is necessary to ensure that the biodiversity protection measures outlined are implanted, and Condition 13 is necessary to ensure that the development can be accessed safely, without harm to highway safety or convenience.

27. I am satisfied therefore that the conditions are necessary and meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

28. For the reasons given above I conclude that the proposal accords with the development plan, and that there are no material considerations of such weight that indicate otherwise. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That the development hereby permitted shall be carried out in accordance with the following approved plans: LP01, P01 Rev A, P02 Rev A, P03, P04 Rev A, P05, P06, P07 Rev A, P08 Rev A, P09, P10.
3. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to, and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include: (a) parking for vehicles of site personnel, operatives and visitors (b) loading and unloading of plant and materials (c) storage of plant and materials used in constructing the development (d) programme of works (including measures for traffic management) (e) provision of boundary security hoarding behind any visibility zones (f) wheel washing facilities (g) measures to control the emissions of dust and dirt during construction (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works.
4. No development shall take place until a scheme for the provision of surface water drainage works from the site (including surface water from the access/driveway), including measures to prevent the discharge of water onto the public right of way and incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be brought into occupation until the approved surface water drainage has been constructed in accordance with the approved scheme.
5. The development must accord with the Arboricultural Survey and Planning Integration Report prepared by Quaife Woodlands, dated 27th June 2019. No development shall start on site until the protective fencing and any other protection measures shown on the Tree Protection Plan in the Arboricultural Report have been installed. At all times, until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.
6. Prior to any above slab level works, details and samples of the proposed external facing and roofing materials including colour and finish shall be 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.
7. Prior to any above slab level works, full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.
8. A landscape management plan covering a period of no less than 10 years, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and

approved in writing by the local planning authority prior to the occupation of the development or any completed phase of the development, whichever is the sooner.

9. No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.
10. Prior to any above slab level works an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon technology shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
11. 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). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.
12. The development hereby approved shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal Report, by Tony Stones, dated July 2019. The development shall also implement, prior to occupation, the biodiversity measures set out in the Enhancements document, comprising bird and bat boxes; planting native species of shrubs and trees, sowing of a wildflower mix and provision of hibernaculum.
13. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing Nos. P01 Rev A and P02 Rev A, for vehicles to park and turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

End of Schedule of Conditions