



Appeal Decision

Site visit made on 27 October 2020

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2020

Appeal Ref: APP/Y3615/W/20/3255852

High Noon, Burpham Lane, Guildford GU4 7LZ

- 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 Ms T Sayers against the decision of Guildford Borough Council.
 - The application Ref 20/P/00592, dated 27 March 2020, was refused by notice dated 28 May 2020.
 - The development proposed is erection of 2 no 3-bed semi detached dwellings on land adjacent to the site of High Noon, Burpham Lane.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It is suggested by the appellant that part of the development involving the formation of the proposed hardstanding could be constructed as permitted development. However, I am required to consider the scheme as a whole and this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have that matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.
3. During the course of the appeal the appellant submitted a completed signed planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 13 October 2020. This deals with contributions towards mitigation against the impact of development on the Thames Basin Heath Special Protection Area (SPA). I will discuss this in more detail later in this decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the Thames Basin Heaths SPA.

Reasons

Character and appearance

5. The appeal site is located at the far end of Burpham Lane, a cul-de-sac of mixed character including a primary school, day nursery and a row of four houses. The host property is set back from the road behind a deep, lawned front garden. It is served by two vehicle accesses onto the highway, one serving a driveway with the other to a hardsurfaced area of land within the grounds of High Noon. This area is currently being used for vehicle storage and repairs. The limited residential development along the road is a mix of detached and semi-detached properties occupying plots of varying widths but all set back from the road, with no single form of development prevailing.
6. The northwest boundary of the appeal site runs along the A3 from which it is screened by a tree lined embankment. These trees provide a verdant backdrop to Burpham Lane and make a positive and significant contribution to the character and appearance of the area.
7. The proposal would retain the host property and construct a pair of semi-detached houses in the adjacent side garden. The proposed houses would occupy narrow plots with long, narrow rear gardens, which due to the shape of the site would taper off.
8. The plot widths would only be marginally smaller than those of the Laurels and Limone, a pair of semi-detached houses within the limited group of residential development on this section of Burpham Lane. In this context they would not be out of keeping with surrounding development. However, due to the narrowness of the plot and the amount of development proposed, the proposed house adjacent to the north-west treed boundary. Whilst it would not be within the root protection area of the trees, the submitted drawings indicate the tree canopies would overhang the driveway, the north corner of the house and a significant portion of the narrow rear garden.
9. Due to the height of the trees and the extent of their canopies which would overhang approximately a third of the width of the narrow garden, they would have an enclosing effect on the garden space. This would be both overbearing and oppressive for future occupants. This would be likely to lead to pressure for the removal or thinning of these trees to provide greater separation between the trees and the proposed building and make the garden more open. Furthermore, due to their position to the north-west of the site, the trees would give rise to some overshadowing of the garden during the late afternoon. Whilst the extent of this would not on its own be so significant as to justify a refusal of planning permission, it would nevertheless be a likely contributing factor to pressure to remove the trees. A reduction in trees along this boundary would diminish their contribution to the character and appearance of the area.
10. Although the trees are not located within the appeal site, this would not prevent occupants from seeking works to these trees if they were causing harm. For the same reason, even if the Council considered it appropriate to protect the trees through a Tree Preservation Order, this would not provide any certainty that any request for tree works could be resisted in these circumstances.

11. Whilst the trees provide visual screening between the A3 and Burpham Lane, there is also a high concrete boundary wall which runs along the side of the road. I have no evidence that the trees provide any acoustic screening. As such, although the trees may be valued for their screening, given the presence of the boundary wall, I am not persuaded that future occupants in seeking to overcome the harms I have identified, would not seek to reduce the trees.
12. The proposal would utilise the existing access to provide tandem parking for two cars adjacent to the treed northwest boundary of the site. The existing front lawn would be replaced by a larger area of hardstanding which would provide shared parking for five cars accessed from the existing driveway serving the host property.
13. In order to accommodate adequate parking for the development in line with policy requirements, the area of hardstanding to the front of the proposed development would be significant. Some areas of soft landscaping are proposed including a narrow section of lawn and planting between the two separate areas of parking and some boundary planting. However, these would not be sufficient to break up the stark appearance of such a large expanse of hard surface. As a result, the front of the proposed development including the existing property, would be dominated by this area of hardstanding which would detract from the character and appearance of the host property, the proposed houses and the surrounding area.
14. Both the Laurels and Limone have large driveways with some peripheral planting. Similarly, the day nursery and school have significant hardstandings, although as non-residential uses they are not directly comparable with the appeal scheme. With hard surfacing dominating the frontages of a number of properties along this section of Burpham Lane, it could be argued that this is the character of the area. However, it is not the overriding character of residential development with both the host property and the adjacent Falcon House also having generous areas of front lawn. These lawned areas provide some relief and softening of the harsh and severe appearance of the large areas of hardstanding. The appeal scheme in reducing the lawned area at the front of the host property would fail to take the opportunity to enhance or improve the quality of the area.
15. A significant part of the appeal site is currently hard surfaced and used for the storage of vehicles which would be reduced by the proposed development. However, the existing hard surfacing within the site is largely screened by a tree and shed within the site. It also extends rearwards into the site and is less prominent from the street. The proposed development by comparison which would open up the frontage by the removal of the shed and tree would have hard surfacing which extends most of the width of the site with limited screening. As such it would be widely visible from the public realm and harmful for the reasons set out above.
16. The proposed development would improve the appearance of the area through the removal of the number of parked vehicles on site. However, this does not outweigh the harm arising from the permanent formation of a significant area of hardstanding.
17. I conclude that the proposed development would significantly harm the character and appearance of the surrounding area. It would therefore conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019

and Policy B-FD:1 of the Burpham Neighbourhood Plan 2016 which together seek a high quality design and development that preserves or enhances the character and quality of the area. It would also not accord with the National Planning Policy Framework which seeks well-designed places that are visually attractive and sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Thames Basin Heath SPA

18. The appeal site lies within the 400 metres and 5 kilometres buffer zone of the Thames Basin Heaths SPA. This is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.
19. The Council has determined that additional residential development would, in combination with other plans and projects, have a significant effect on these protected sites through increased dog walking and additional recreational pressures. In these circumstances, the Council considers that appropriate mitigation would be required. This is set out in the adopted Thames Basin Heaths Special Protection Area Avoidance Strategy which provides a framework by which applicants can provide or contribute to Suitable Alternative Natural Green Space (SANGS) within the borough which along with contributions to Strategic Access Management and Monitoring (SAMM) can mitigate the impact of development.
20. The appellant has accepted the need to provide a contribution towards both SANGS and SAMM. The submitted section 106 agreement secures this.
21. Notwithstanding the Council's findings in respect of this, as the competent authority, I am required to carry out an appropriate assessment of the effect of the proposed development. However, as I have found that the scheme is unacceptable for other reasons, I do not need to pursue this matter further.

Conclusion

22. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR