



Appeal Decision

Site visit made on 13 April 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2021

Appeal Ref: APP/Y3615/W/20/3264560

90 Potters Lane, Send, Woking GU23 7AL

- 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 St Patrick's (Potters Lane) Limited against the decision of Guildford Borough Council.
 - The application 20/P/01248, dated 26 July 2020, was refused by notice dated 23 October 2020.
 - The development proposed is demolition of existing dwelling and erection of 3 dwellings with associated vehicular and pedestrian access and parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant wishes to substitute plans 846/P/01 Rev L and 846/P/04 Rev H for earlier iterations of those plans on which the Council made its decision. The amended plans show relatively minor changes with additional landscaping along some of the boundaries and written dimensions at points along the proposed access drive and to side boundaries. I consider these amendments do not materially change the nature of the proposed development and do not prejudice the interests of the Council or any interested party. I have therefore taken them into account in my decision.
3. A draft undertaking under Section 106 of the Town and Country Planning Act 1990 has been submitted which if completed would secure a financial contribution to mitigate pressure on the Thames Basin Heaths Special Protection Area. I address this undertaking in more detail under other matters.
4. The Send Neighbourhood Development Plan has completed its examination and a revised version has been published incorporating amendments recommended by the examiner. A referendum on the revised Plan has been postponed due to the Coronavirus restrictions and will not now take place until at least 6 May 2021. The Plan nevertheless carries significant weight given its advanced stage of drafting. Although policies in the revised Neighbourhood Development Plan do not feature in the Council's reasons for refusal, Send Parish Council has drawn attention to Policy Send 1 in its representation. I consider this policy further in my reasoning.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. Potters Lane is characterised by a linear form of development with mainly detached dwellings fronting the Lane with long rear gardens. At the rear of the frontage development there are occasional dwellings, accessed by private drives from Potters Lane. These dwellings are generally larger than those fronting the lane and are situated in much more spacious grounds. Their gardens, together with small lakes and paddocks run down to the River Wey. Policy G11 of the Guildford Borough Local Plan 2003 seeks to protect and improve the special character of the corridor of the River Wey, including views both within and from the corridor which contribute to this special character.
7. The two houses proposed on the rear part of the appeal site would be on smaller and narrower plots than those others that make up the scattered development to the rear of Potters Lane. Given the size of the buildings, and the limited spacing between them, this layout would appear cramped and out of character with the more spacious, open settings of the other dwellings. It would also not allow for the same level of greenery or planting between them that is characteristic of the area. Views of the dwellings on the rear part of the site would be limited but would nevertheless be visible from neighbouring land. While the buildings themselves would stand outside the corridor of the River Wey as shown on the Local Plan Policies Map, their upper storeys and roofs would be visible in views from the River Wey and nearby public footpaths.
8. I reach that view notwithstanding the changes that have been made from a previous unsuccessful scheme on the site¹. The reduction from 4 to 2 dwellings in the rear part of the site has significantly reduced the amount of building bulk proposed, but would still result in plot widths and sizes that are uncharacteristic of the much more expansive plots of those dwellings lying behind the Potters Lane frontage. The reductions in size and height of the proposed dwellings do not, in my view, overcome the cramped nature of the development when compared to the layout and spacing of the scattered dwellings to which they would relate.
9. The replacement dwelling at the front of the site would conform with the general size and design of the other dwellings fronting Potters Lane. I also consider that the revised design of the private drive has overcome the concerns expressed on the previous scheme by increasing the space at the side of the replacement house, reducing the width of the drive allowing more landscaping on either side, and reducing the size of the bellmouth and hardstanding to the front of the replacement dwelling. In this revised form, the access and driveway would be similar in many respects to other private drives serving dwellings behind Potters Lane and would not have a harmful effect on the street scene.
10. The site along with adjoining land was removed from the Green Belt in the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (the current Local Plan) and now forms part of the settlement of Send for planning purposes. Residential development is therefore acceptable in principle but needs to comply with saved policies G5 and G11 of the Guildford Borough Local Plan 2003 and policy D1 of the current Local Plan, which require new development to respect its context and reflect distinct local character.

¹ 19/00918, dismissed on appeal under APP/Y3615/W/19/3240812

11. I also give some weight to policy Send 1 of the emerging Send Neighbourhood Development Plan 2019-2034 Referendum Version, which supports these design policies and requires new development to promote and reinforce local distinctiveness and the high quality of the built and natural environment of Send. Within the Neighbourhood Development Plan's Character Assessment, the appeal site forms part of the Potters Lane and Fishing Lakes Character Area, where proposals must reflect its rural and unspoilt character with many trees and beautiful lakes and very little light pollution.
12. The site is not large enough to create its own identity in the sense proposed by paragraph 5 of policy D1 of the current Local Plan. Development on it therefore needs to reflect and reinforce the locally distinct pattern of development, including landscape setting, which in this case relates to the spacious, garden dominated plots to the rear of the frontage development along Potters Lane. For the reasons set out above, I conclude that the proposed development on the rear part of the site would fail to achieve those aims and as a result would harm the character and appearance of the area. The proposal would consequently conflict with policies G5 and G11 of the Guildford Borough Local Plan 2003, policy D1 of the current Local Plan and policy Send 1 of the emerging Neighbourhood Development Plan, which seek to reflect the distinct local character.

Other Matters

13. The appellant draws attention to other developments either granted planning permission by the Council² or allowed on appeal³. The development at 54 Potters Lane relates more to Potters Lane than the appeal site, with part of it fronting the lane and the remainder surrounded by extensive open space and woodland. The development at Send Hill is in a different part of the village with different characteristics. In both cases the schemes are larger than the appeal proposal such that they create their own identity without harming the wider character and appearance of the areas in which they are located. Given the differences between these schemes and the appeal proposal, they carry limited weight in my decision.
14. The site lies within the zone of influence of the Thames Basin Heaths Special Protection Area, which is designated as being of national and European ecological importance. The development has the potential, in combination with other residential development in the zone of influence, to have a significant adverse impact on the ecological value of the protected area due to increased recreational pressure disturbing rare bird populations.
15. The Council has drawn up a strategy to mitigate the potential adverse impact of new development through the provision of alternative natural green space and a strategic access management and monitoring plan. The appellant has indicated their willingness to contribute financially to the mitigation strategy, which would be secured through a legal undertaking.
16. A draft undertaking has been submitted which meets the requirements of the mitigation strategy in principle, but which has not been engrossed. However, there is no need for me to delay a decision on the appeal to allow engrossment of the undertaking or undertake an appropriate assessment of the development

² 19/P/02237, 54 Potters Lane, Send

³ APP/Y3615/W/20/3250388, Send Hill

as it would not affect my conclusion on the main issue. I have therefore not considered this matter any further.

Conclusion

17. The provision of a net additional two dwellings is of modest benefit in helping to meet housing demand. However, this is outweighed by the harm to the character and appearance of the area. The development would therefore conflict with the development plan when taken as a whole. There are no other material considerations which outweigh the conflict with the development plan.
18. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR