
Appeal Decision

Site visit made on 7 April 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/Y3615/D/20/3245182

17 Romans Close, Guildford GU1 2ST

- 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 & Dr Jayaswal against the decision of Guildford Borough Council.
 - The application Ref 19/P/01796, dated 14 October 2019, was refused by notice dated 5 December 2019.
 - The development proposed is described as "raise adjoining land to, and incorporate with, the existing garden level. Change of use of additional land from amenity to Residential."
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Decision

1. The appeal is allowed, and planning permission is granted to raise adjoining land to, and incorporate with, the existing garden level. Change of use of additional land from amenity to residential at 17 Romans Close, Guildford, GU1 2ST in accordance with the terms of the application, Ref 19/P/01796 dated 14 October 2019, subject to the conditions set out in the attached schedule.

Main Issue

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

Reasons

3. The appeal site slopes down from Romans Close in line with the footpath that runs through Saxon Way. The land is prominently visible due to its size and corner siting. The development would raise and enclose part of the land, which contributes to the overall character of the street scene and the wider estate. Saxon Way in particular features extensive landscaping to the frontages of the properties along both sides. The houses on Romans Close and Saxon Way do not have formal front boundaries, rather having gardens facing the public highway that serve as visual transitions from public to private land.
4. The development would result in a reduction in the open character that the appeal site contributes to the surrounding area. However, the appeal site is an unusually large expanse of open lawn within that area. The proposed raised land would be set in from the site boundary, retaining a border at the same level as the adjacent footpath. The raised land would be concealed behind a hedgerow that would itself contribute to the overall landscaped character of the street scene. The development would therefore result in a change to the character of the site, but the proposed hedgerow would conceal the raised land

and be in keeping with the landscaping that is publicly visible in the surrounding area.

5. The development would consequently not result in unacceptable harm to the character and appearance of the area. It would accord with Policies G1 and G5 of the Guildford Borough Local Plan 2003 and Policy D1 of the Guildford borough Local Plan: strategy and sites 2015-2034 adopted 2019 (the LP). Collectively these policies require that new development respects established street patterns and established views and reinforce locally distinct patterns of development.

Other Matters

6. From the evidence submitted the appeal site is not amenity land intended to be preserved for the communal benefit of the estate's residents. It is owned and maintained by the appellants, and there is nothing before me to indicate any restriction preventing its use or enclosure as residential garden land.
7. I note concerns about the potential loss of light to neighbours. However, the Council found that the development would not cause unacceptable harm to neighbouring occupiers. As the hedgerow would be set in from the host property's boundary and from neighbouring houses and there is no restriction on the planting of a hedgerow on the land, I see no reason to disagree with this conclusion.
8. Concerns have also been expressed about safety resulting from the enclosure of the land. However, while the footpath along Saxon Way is somewhat winding the street is wide and open with overlooking from houses along its length. While the development would reduce the openness of this area of land, it would follow the boundary line while not extending to the site boundary. There would consequently remain a clear view along Saxon Way. I therefore see no reason why the appeal proposal should result in an unacceptable increase in risk to public safety.
9. The Council have referred to Policy ID4 of the LP in their decision notice. This policy relates to the protection of biodiversity, watercourses and open space. While the area of the proposed development is open lawn, it is part of a private residential garden and not available for communal use. Therefore, I do not consider it to be open space for the purposes of this policy.

Conditions

10. I have had regard to the Council's suggested conditions. Where necessary, I have amended their wording to better reflect national Planning Practice Guidance.
11. I have imposed standard conditions relating to the commencement of work and confirming the approved plans.
12. Given the importance of appropriate landscaping to make the appearance of the development acceptable in the street scene, and following consultation with the main parties, I have imposed conditions requiring approval of a detailed scheme of landscaping prior to commencement of the works, its implementation and the retention or otherwise replacement of all planting after the works are complete.

13. I have not imposed the suggested condition requiring matching external materials. This is because the only built aspect of the proposal is a timber retaining wall, which cannot match the external materials of the house.

Conclusion

14. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan.
15. Therefore, for the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 327/01 REV: A, 327/02 REV: A, 327/03 REV: A, 327/04 REV: A and 327/08
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.