

Appeal Decision

Site visit made on 18 May 2021

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal Ref: APP/Y3615/W/20/3264979

Land to rear of 20 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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Charles and Anna Cade against the decision of Guildford Borough Council.
 - The application Ref 20/P/01414, dated 17 August 2020, was refused by notice dated 14 October 2020.
 - The application sought planning permission for 'variation of conditions 2 (approved plans), 3 (site levels), 4 (materials samples), 5 (energy efficiency), 6 (water efficiency), 7 (arboricultural method statement), 8 (access), 9 (retention of parking and turning), 10 (construction transport management report) and 11 (electric vehicle charging points) of planning permission 18/P/01569, approved 27/02/2019 to allow changes to the approved scheme' without complying with a condition attached to planning permission Ref 19/P/01083, dated 12 August 2019.
 - The condition in dispute is No 2 which states that:
"The development hereby permitted shall be carried out in accordance with the following approved plans: b121b, b122c, Sht-1-2 and Sht-4 received on 8 August 2018 and plans: b100d, b120e and b125 received on 17/06/2019".
 - The reason given for the condition is:
"To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellants sought to vary condition No 2 on approved application Ref 19/P/01083 by replacing the approved plans with amended plans. In summary, the amendments would enable the provision of different gates to both the vehicle and pedestrian access to the new property.
3. The main issue is the effect that the proposed amendments would have on the character and appearance of the surrounding area including the adjacent Surrey Hills Area of Great Landscape Value.

Reasons

4. The appeal site is to the rear of 20 Guildown Avenue and is accessed off the south side of The Mount which adjoins the Surrey Hills Area of Great Landscape Value (AGLV). By virtue of the vegetation and trees along both of its sides, in combination with the low density of development on its southern side compared to that closer to the urban centre of Guildford, The Mount is

distinctly rural in character and so forms a verdant woody transition between the open fields of the AGLV to the north and the residential properties to the south. Access gates to properties along this section of The Mount are predominantly wooden and so visually are not materially at odds with the aforementioned rural character of the surroundings.

5. The proposed pair of swing-opening gates and pedestrian gate would be reflective of the materials and appearance of the new house in so far as they would be constructed using powder coated grey aluminium. However, whilst the gates would be similarly proportioned to other access gates along this section of The Mount, as a result of the proposed material treatment and colour they would be at odds with most other gates in the locality which are predominantly wooden and so significantly more rural in character.
6. In the context of the verdant woody character of The Mount the gates would represent an alien form of development and appear incongruous in comparison with most other gates that provide access to properties along the south side of The Mount. Moreover, as a result of their aforementioned design characteristics the gates would appear stark and unsympathetic to their rural surroundings and so would detract from the sensitive rural landscape setting of the AGLV.
7. For the above reasons, I conclude that the proposed amendments would harm the character and appearance of the area including the setting of the adjacent AGLV. Consequently, in this regard, the proposal would not accord with saved Policy G5 of the Guildford Borough Local Plan (2003) and Policies P1 and D1 of the Guildford Borough Local Plan: Strategy and Sites (2019). These policies collectively, amongst other things, seek to ensure that all new development achieves high quality design that responds to distinctive local character (including landscape character) of the area in which it is set.
8. The appellants say that gates of similar design to that proposed have been allowed on appeal for two other adjacent properties. However, I have not been presented with any details of these other purportedly similar gates allowed on appeal. In any event, I have determined the appeal proposal based on the circumstances of the site, on the evidence before me and on its individual planning merits. The existence of the other allowed schemes referred to by the appellants do not alter or outweigh my overall conclusions on the main issue.

Conclusion

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

Andrew Bremford

INSPECTOR