



Appeal Decision

Site Visit made on 10 June 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/Y3615/W/21/3267318

Oak End, Oak Tree Close, Jacob's Well, Guildford, Surrey GU4 7PU

- 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 Mrs Anne Thomas against the decision of Guildford Borough Council.
 - The application Ref 20/P/00541, dated 24 March 2020, was refused by notice dated 20 July 2020.
 - The development proposed is erection of three dwellings following demolition of existing dwelling and outbuildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has previously refused permission to a similar scheme for three dwellings (19/P/01920). The current proposal incorporates revisions in response to issues raised at that time.
3. The National Planning Policy Framework (the Framework) was updated in July 2021. Whilst appeal submissions have referred to the 2019 version of the Framework, I have noted changes made to the content and paragraph numbers in preparing this Decision.

Main Issues

4. The main issues are the effect of the development on (a) the character and appearance of the area in relation to the site's layout and the scale of built form, and (b) the integrity of a Special Protection Area (SPA).

Reasons

Character and appearance

5. Oak End is a detached bungalow on a deep plot at the southern end of Oak Tree Close, a private road parallel to Woking Road and separated from it by a belt of trees. There are detached and semi-detached dwellings with comparable long back gardens to the eastern side of the Close. To the south of the site is more recent housing built to a higher density. Adjacent to Oak End are semi-detached houses 1 and 2 Finglebridge Cottages and at Malvern and Evesham which have shorter back gardens; vehicular access is direct from Woking Road. To the rear of these houses are semi-detached and terraced houses in Brookside, also with modest rear gardens. To the rear of Brookside and the appeal site is a vacant former commercial yard.

6. There are several similarities between the proposed dwellings and the more recent developments to the south. The front and rear walls to the proposed frontage houses would align with those of 1 and 2 Finglebridge Cottages and there would also be alignment between the proposed rear detached dwelling and the adjacent semi-detached houses fronting Brookside. The back to back facing distances between the proposed dwellings would be similar to that on the adjacent dwellings and garden sizes would be comparable. The massing of the proposed dwellings would be a little smaller than those of adjacent buildings, but there are variations in design, size and form in the immediate vicinity. The larger house proposed to the rear of the site would reflect the size of detached frontage dwellings to the north.
7. But there would also be several differences between the proposed dwellings and those to the south of the site, mainly arising from access arrangements. Whereas the adjacent dwellings all have vehicular accesses to their frontages, the proposed detached house would rely on a tandem access arrangement with a driveway to the side of the house on plot 1 leading to parking and turning areas between the dwellings. This would increase the proportion of hard surfaced areas required and constrain the width of land otherwise available for the houses on plots 1 and 2.
8. The driveway would also pass close to the side entrance and back garden to 'Edgewood' the adjacent house to the north, previously known as 'Grouville'. Edgewood is set deeper within its plot than the proposed frontage houses and there would be a closer overlooking relationship between the rear windows at Edgewood and the front bedroom window to the proposed detached house. A garden tree has been removed that would have helped to filter these views and to soften the appearance of the development. The scale of the proposed dwelling at the rear of the site would be similar to that of some dwellings fronting Oak Tree Close to the north, but its context as a backland dwelling with modest garden areas would not reflect the more generous setting of these larger dwellings.
9. In all these respects, the proposed development would result in a relatively cramped layout with a greater proportion of hard surfaced areas and a harsher appearance compared with neighbouring developments. Whilst views of the area between the proposed building would be mainly private rather than from public land, these differences would nonetheless detract from the pleasant residential character of the area.
10. The proposal would thereby conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (adopted 2019) which requires all new development to achieve high quality design that responds to the distinctive local character (including landscape character) of the area in which it is set. There would also be conflict with parts of Saved Policy G5 of the Guildford Borough Local Plan 2003 (GBLP) relating to respect for the context of the development, space around buildings and the layout of the site.
11. The appellant has drawn my attention to appeal and Council decisions relating to development of sites to the south of the appeal site¹. One of the Malvern appeal schemes was dismissed in relation to excessive hard surfaced areas. The current proposal would not reflect favourably in relation to the allowed scheme in this respect.

¹ APP/Y3615/A/06/2016816 and APP/Y3615/A/07/2037653 (at Malvern)

12. In relation to the Framework, current Government policies recognise the need for more homes and to make effective use of land. But the proposal is not compatible with Chapter 12 on achieving well designed places and particularly Paragraph 130 as its layout would not be visually attractive or sympathetic to the local character, including the surrounding built environment.

Special Protection Area

13. The application site is located within the 400m – 5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA) within which Natural England advise that new residential development has the potential to significantly impact on the integrity of the site through increased dog walking and recreational use. The appellant has entered into a S.106 Agreement with the Council to mitigate impacts in accordance with an adopted TBHSPA avoidance strategy. This would involve paying contributions towards “Strategic Access Management and Monitoring” (SAMM) and “Suitable Accessible Natural Green Space” (SANGS).
14. These contributions would satisfy the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010) and would address the Council’s concerns in its second refusal reason. However, I have not undertaken an Appropriate Assessment in respect of the Habitat Regulations as the appeal is to be dismissed for other reasons.

Planning balance

15. The proposal would result in the net increase of two dwellings which would contribute towards the general need for additional homes. I note that the Council can demonstrate a five year housing land supply, so the tilted balance at Paragraph 11 of the Framework does not apply. In my judgement, the benefit of two additional homes does not outweigh the harm arising to the character and appearance of the area. The development would result in an overly cramped layout that would be detrimental to the character and context of the surrounding area.

Conclusion

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

Rory MacLeod

INSPECTOR