



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: 17 September 2021

Appeal Ref: APP/Y3615/W/21/3268971

Christmas House, Chinthurst Lane, Shalford, Guildford, Surrey GU4 8JS

- 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 Toby Shea against the decision of Guildford Borough Council.
 - The application Ref 20/P/00785, dated 8 May 2020, was refused by notice dated 21 August 2020.
 - The development proposed is erection of 5no. new dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has previously refused permission to a similar scheme for three dwellings which was subsequently dismissed on appeal¹. The current proposal relates to a slightly larger site.
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 (a) the effect of the proposal on the character and appearance of the area, (b) the impact on the Area of Great Landscape Value (AGLV) and (c) the adequacy of the size of bedroom 4 to all houses.

Reasons

Character and appearance

5. The appeal site comprises land previously part of the rear garden to Christmas House that has now been separated from it. It extends behind the adjacent dwelling Crossways and is connected to Chinthurst Lane by an access between the two dwellings. Land levels rise from Chinthurst Lane to the site. The main part of the site is enclosed by dense hedge planting to all boundaries. There is a public footpath that abuts the south-eastern boundaries to the appeal site and to Crossways beyond which are the garden to the dwelling Field Gate House and open fields. The site has a backland location in a predominantly residential area towards the periphery of Shalford.

¹ Application 18/P/02240 and Appeal ref: APP/Y3615/W/19/3233618

6. Christmas House forms part of a row of detached dwellings fronting Chinthurst Lane that vary in size and design. There is not a strong building line and the dwellings are sited within curtilages that are generally large and of differing shape and size resulting in a spacious, verdant and informal character. This character extends to a scattering of dwellings set away from Chinthurst Lane, such as Rusham End to the north of the appeal site. By contrast, the dwellings on the opposite southern and western sides of Chinthurst Lane tend to be more modestly sized and closely spaced. Most front roads, but there are backland developments too. There is variety in the design of houses but there are also some rows of similarly designed houses, such as fronting Shalford Green and the modern cul-de-sac at Chinfold Park.
7. The appeal site is set within the spacious, informally laid out area but the proposed houses would present as a tightly knit, regimented enclave. The flanks of the houses would appear close to each other or to the site boundaries and there would be extensive hard surfaced areas for parking and turning vehicles. The proposal would not readily assimilate into the spacious residential character surrounding the site. Whilst the size of the site has increased since the previous appeal, so have the number of dwellings. The proposal has not overcome the issue of the clustering of dwellings contrasting with the significant separation distances predominant in the area identified by the Inspector on the previous appeal.
8. It would be possible to vary the appearance of the houses by the use of differing materials, but this would not change their virtually identical profile or their close formal spacing. The houses would not be conspicuous in views from Chinthurst Lane along the access road, due to the rise in levels. Boundary screening would help to filter views from neighbouring dwellings and from other nearby parts of Shalford, but the proposal would be more conspicuous as a dense development on raised land if boundary screening were to be thinned or removed. Regardless of this, the proposal would nonetheless result in a stark change in the residential character of the immediate vicinity. Garden sizes would be adequate for four bedroom houses, but this does not overcome the harm I have identified.
9. The proposal would thereby conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (adopted 2019) (LPSS) 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. 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 which states that developments should *"add to the overall quality of the area"* and be *"sympathetic to the local character including the surrounding built environment and landscape setting"*.

Area of Great Landscape Value

10. The appeal site is located within an AGLV but not within an Area of Outstanding Natural Beauty (AONB). Policy P1 of the LPSS states, *"Development proposals within the AGLV will be required to demonstrate that they would not harm the setting of the AONB or the distinctive character of the AGLV itself"*. There is no suggestion from any party that the proposal would harm the setting of the AONB as it currently exists.

11. Supporting paragraphs to the policy state that land designated as AGLV has been carried forward to local plans from the expired Surrey County Structure Plan and will be retained until such time as there has been a review of the AONB boundary. Representations indicate that Natural England's review of AONB boundaries may be due to commence, but no decision has yet been made on the future of the AGLV or on boundaries to the AONB at the appeal site. The question therefore is whether the proposal would harm the distinctive character of the AGLV. The AGLV holds less weight than the AONB in policy terms but has its own inherent landscape quality and is significant in conserving the landscape setting of some towns and villages.
12. The AGLV covers an area of open countryside to the east and north of Shalford but also includes some of the low density dwellings to the northern side of Chinthurst Lane around the appeal site. The Council have not elaborated on the inherent landscape quality of the AGLV but acknowledge that the appeal site to be within a portion "*less sensitive due to the level of built form than the more open areas to the east*". The area to the east is characterised by undulating open countryside marked by open fields, trees and hedgerows. The roofs and walls to some dwellings within the AGLV at Shalford can be seen across the open areas, for example from the gate on raised land some 300m to the south-south-east, and this informs the landscaped setting of the settlement.
13. From this position, the dwellings that can be seen are viewed as a distant feature nestled amidst the trees and hedgerows. The proposal would be located to the right of these dwellings on land with a greater number of screening trees in-between. It is likely that these trees would obstruct or at least filter views of the proposed houses, particularly in the summer months. The proposal would not therefore result in a conspicuous solid block of buildings. In long views across the AGLV from this direction the houses would be glimpsed through the vegetation alongside dwellings already seen.
14. Whilst the number of houses has increased from the previous proposal, their height would be lower by about 0.55m, according to the Council's figures. It is also significant that since the time of the last appeal that the conifer tree planting to the south-eastern and other boundaries has become established and has grown in height and width. It is not possible to look into the appeal site from the adjacent footpath, or across the southern end of the garden at Rusham End from the footpath to the appeal site due to the height and density of the conifer planting. Nor would it be possible to see the roofs of the nearest dwellings on plots 4 and 5 over the top of the conifers notwithstanding the siting of the dwellings on this part of the site closer to the south-eastern boundary than on the previous appeal.
15. As the conifer hedge grows higher over time, it will become an even more effective screen to views from outside the site but also a barrier to views from within it. Future occupiers of houses 4 and 5 may choose upon expiry of the terms of any landscape planning condition to remove the conifers completely or in part to open up views of the open countryside beyond, particularly given the limited depth to the gardens. It would also be in the interests of these occupiers to maintain privacy within their back gardens, but this could be achieved by lower boundary treatments. Such lower enclosures would open up views of the massing of the proposed dwellings from outside the site. The clustering of the dwellings would be apparent in such close views and would have a limited localised impact on the character of the AGLV.

16. The proposal would adversely affect the openness and character of the appeal site and its immediate surroundings, as pointed out on the first main issue. As this area is within the AGLV, it would also affect its character in this respect, and the localised impact would be greater still if the conifer screening were to be removed. However, this is a less sensitive part of the AGLV, and having regard to all relevant factors my findings are that the proposal would not materially harm the wider distinctive open character of the AGLV to the east of the site. It would not be an unduly dominant feature in the landscape. There would therefore only be limited conflict with Policy P1 in relation to the proposal's impact on the AGLV in the vicinity of the appeal site.

Bedroom size

17. Policy H1 of the LPSS states "*All new residential development must conform to the nationally described space standards as set out by the Ministry of Housing, Communities and Local Government (MHCLG)*" The Council confirm that the floor area of the proposed dwellings at 189 sqm each (excluding the integral garage), would exceed the 4 bed, 8 person floor area requirement for a two-storey dwelling of 124 sqm and that the bedroom widths would be satisfactory. Whilst bedroom 4 to all houses is depicted as a double bedroom on the submitted plans with a floor area of 8.55 sqm, below the 11.5 sqm required for a double bedroom, these bedrooms would be satisfactory for a single bed. Given the ample size of the dwellings proposed, there would not be conflict with Policy H1. It would be a matter for occupiers of each of the dwellings to decide what furniture to place in each of these bedrooms.

Conclusion

18. I acknowledge the appellant's claims to have sought to work with the Council on development of the site, comments that members of the Planning Committee would prefer to see a higher number of smaller houses on the site and reference to other infill development, but the proposal would have a substantial adverse effect on the character and appearance of the area and a more limited impact on the AGLV. This harm would significantly outweigh the benefit arising from the provision of 5 additional dwellings that would contribute towards housing need in Guildford.
19. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR