



Appeal Decision

Site visit made on 11 March 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 28th April 2022

Appeal Ref: APP/Y3615/W/21/3283862

20 Merrow Croft, Guildford GU1 2XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nick Williams against Guildford Borough Council.
 - The application 21/P/01261 is dated 4 June 2021.
 - The development proposed is the construction of a new 3 bedroom residential dwelling on the land to the rear of No. 20 Merrow Croft, Guildford
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal was submitted due to the Council failing to make a decision within an agreed period of time. Based on the submitted policies, my site visit and representations from the parties; I consider the main issues to be the effect of the development on (i) the character and appearance of the surrounding area; and (ii) the Thames Basin Heaths Special Protection Area.

Reasons

Character and Appearance

3. The appeal site comprises land to rear of No. 20 Merrow Croft. While it has a variety of property styles and designs, Merrow Croft reads as a legible residential development due to the arrangement of street facing dwellings. The appeal site would open onto a cul de sac section of the street where properties currently line the western side of the road.
4. The proposal seeks to erect a dwelling on the eastern side of the cul de sac. Although it would be close to the side boundaries of the site this is a common feature within Merrow Croft, such that it would not appear out of place or result in the site reading as cramped in context. While the Council has also raised concerns that it would obstruct views of Nos. 21 and 22 Merrow Croft, due to the positioning of the proposal within the site and the current presence of vegetation, this alone would not create a change that would significantly impact the overall character or appearance of the immediate area.
5. However, the proposal would result in a northwest elevation of unbroken built form rising above the boundary vegetation, which would read as a dominant and featureless addition to the streetscene. Coupled with the lack of door on the front elevation, and the fact that the proposal would be the only street

facing dwelling on the eastern side of this section, this would impact the overall legibility of Merrow Croft. While this design is in part to avoid overlooking, and the side elevation would be experienced largely in passing, it would nonetheless read as an imposing and incongruous feature in the area.

6. The appellant has referred to an amended scheme. While this is not the scheme that the Council based its Statement on, it appears this scheme was before the Council during the determination period of the application. This relocates the entrance door to the front elevation. However, due to the presence of hedging screening the ground floor level, the northwest elevation would still appear as a solid stretch of built form which, coupled with the dwelling position on the eastern side of the road, appears out of place.
7. For the reasons given above, the proposal would have an adverse effect on the character and appearance of the surrounding area. As such, it would fail to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019), Policies G5 and H4 of the Guildford Borough Local Plan 2003, the Residential Design Guide Supplementary Planning Guidance July 2004, the National Design Guide and the National Planning Policy Framework, which together seek to ensure good design.

Thames Basin Heaths Special Protection Area

8. The appeal site lies within 5km of the Thames Basin Heaths Special Protection Area (SPA), a network of heathland sites designated for their ability to provide habitat for internationally protected populations of Woodlark, Nightjar and Dartford Warbler.
9. The proposal has the potential to lead to increased use of the SPA for recreational purposes due to the additional residential unit in proximity to the SPA. This is not contested by the appellant and, in turn, the proposal could result in potential disturbance to the habitats of the protected bird species. As such, it is not possible to rule out a likely significant effect on the SPA from the proposal, either in isolation or in combination with other plans and projects.
10. In terms of mitigation, the Council's Thames Basin Heaths SPA Avoidance Strategy 2009 – 2016 sets out that this would be achieved through a payment towards a Strategic Access Management and Monitoring project (SAMM) and provision of a Suitable Accessible Natural Greenspace (SANG). In this regard I note that the Council has suggested figures for such contributions, which the appellant has agreed are acceptable.
11. However, as no section 106 has yet been drafted and signed, I do not have a completed planning obligation before me effectively securing a financial contribution towards a SAMM or SANG. As such, in the absence of appropriate mitigation, I conclude as the competent authority that the proposal would have significant adverse effects on the integrity of the SPA.
12. Where suitable mitigation cannot be secured, planning permission should only be granted if there are no alternative solutions, there are reasons of overriding public interest, and suitable compensatory measures are secured. There is no compelling evidence to indicate that the proposal is the only solution for such a scheme. In addition, as it is for a single dwelling, imperative reasons of overriding public interest do not exist.

13. For the reasons given I am unable to conclude that likely significant effects on the integrity of the SPA can be excluded. As such, the proposal is contrary to NE4 of the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24/09/07) and conflicts with saved policy NRM6 of the South East Plan 2009, which seek to protect the Thames Basin Heaths SPA.

Other Matters

14. The appellant's frustrations with regards to the lack of communication from the Council are acknowledged. However, this does not affect my considerations of the planning merits of this case.

Conclusion

15. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR