



Appeal Decision

Site visit made on 3 May 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2022

Appeal Ref: APP/Y3615/W/21/3276076

Land rear of Christmas Hill and Crossways, Chinthurst Lane, Shalford 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 T Shea against the decision of Guildford Borough Council.
 - The application Ref 20/P/02222, dated 23 December 2020, was refused by notice dated 4 March 2021.
 - The development proposed is for the erection of two detached dwellings with detached garages/outbuildings together with associated landscaping.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr T Shea against Guildford Borough Council. This application will be the subject of a separate Decision.

Procedural Matters

3. Notwithstanding the description of the proposal on the appellants' application form, the proposal on the Council's decision notice and the appellant's appeal form is described as 'the erection of two detached dwellings with detached garages/outbuildings together with associated landscaping.' As this more accurately reflects the scheme before me, and how it was determined by the Council, I have dealt with the appeal on the same basis.
4. Following the submission of a sustainability questionnaire the Council no longer wishes to pursue its reason for refusal in this respect. I see no reason to disagree and have proceeded accordingly.
5. The Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main issues

6. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - the Area of Great Landscape Value (AGLV).

Reasons

Character and appearance

7. 'Christmas Hill' is located within an area of AGLV on a generous garden plot that has a pond to the front that is accessed from Chinthurst Road. The appeal site is a severed section of the tree and hedge-lined host back-garden which is found at the end of a vehicular access road which runs between the donor property and the neighbouring dwelling of 'Crossways'. The host garden is scattered with a number of trees, including some to the south-east boundary. The surrounding semi-rural-type area is characterised by dwellings that face towards the main highway with spacious gardens to the rear. There are footpaths to the south-east of the site which includes footpath 262. To the north-west boundary there is a bowling club and tennis courts which face towards the appeal site across a tree-lined field.
8. The proposal is to construct two detached dwellings with garages in traditional and contemporary type materials with landscaping that would meet nationally described space standards.
9. The appellant has brought to my attention that there is a planning permission¹ for a garden-type dwelling at the neighbouring property of 'Crosslands' in support of his case. Nevertheless, the development in that case would front Chinthurst Lane with the positioning of 'Crosslands' otherwise unchanged. As such, I concur with the Council that the proposal is not directly comparable to the scheme before me. Therefore, I have considered the proposal on its own planning merits.
10. As such, the proposal would be in a residential area. Hence, the principle of development is accepted. However, whether the scheme is correctly described as a 'cul-de-sac' development or not, the proposal would be to the rear of the severed host garden and appear as a 'backland' type development. I noticed at my site visit that this arrangement would be at odds with the surrounding area which is predominantly typified by dwellings facing the main highway, including those facing towards 'The Common', for example, 'Rusham End'. Indeed, House 1 of the proposal would not face the proposed access road but would be orientated towards the host dwelling. Moreover, irrespective of the materials used, the access road would extend some way into the garden plot which in my view would be incongruous with the mostly unfettered garden spaces nearby.
11. Furthermore, while I note that the proposed development would have fewer units and lower ridge heights than previous proposals² for the site, the fact remains that the dwellings would be of some scale and mass that would include complex roofscapes, extended sections, inconsistent and prominent glazing and projecting dormers that would be relatively close to the site boundaries. Indeed, regardless of the internal modern and contemporary design of the proposed dwellings, House 2 would have a footprint including a garage that would extend across the south-east boundary and be directly adjacent to the neighbouring 'open-type' fields.

¹ 15/P/02083

² 18/P/02240 and 20/P/00785

12. Therefore, while I noted at my site visit that the scheme would only be glimpsed from the bowling club and tennis courts, the bulky and extensive proposal would erode the spacious character of the garden space and the immediate surrounding area, including the fields to the south-east. Overall, the scheme would jar with the surrounding pattern of development that is predominantly characterised by individual road-facing properties on ample and leafy plots.
13. In addition, whether trees on the site have been removed or not, I acknowledge that the appellant has relatively recently planted a number of trees on the site as part of an overarching landscape strategy. However, even if the longevity of the landscaping could be assured over time, while the landscaping would soften the dominant appearance of the proposed development to some extent, and reduce views into the site as emphasised in a previous appeal³, my firm position is that it would not be sufficient mitigation to outweigh the harm I have found above.
14. I conclude therefore, that the uncharacteristic layout of the proposal, in combination with its bulk and volume in this specific location would harm the character and appearance of the area.
15. Accordingly, in respect of the character and appearance of the area, the proposal does not meet the aims of Policy D1 of the Guildford Borough Local Plan: strategy and sites 2019 (GLP), which says that all new developments will be required to achieve high quality design that responds to distinctive local character (including landscape character) of the area in which it is set.
16. For similar reasons, the proposal does not meet the requirements of Paragraph 130 (c) of the Framework which is clear that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

AGLV

17. The main parties agree that the appeal site is located in a 'less sensitive' part of the AGLV and is inset from the Green Belt boundary. At my site visit I followed the course of footpath 262 which is found to the south-east of the host garden and noted that verdant spring foliage does in part shield the site. However, the Cypress-type trees to the rear boundary of the site would be likely to bring the urban appearance and domestic paraphernalia of the proposed development more readily to the attention of walkers, particularly that of House 2 which extends the entire width of the site. What is more, the proposal is likely to be more visible in less leafy times of the year.
18. Therefore, notwithstanding the findings of the appellants' Landscape Visual Appraisal, the voluminous scheme would erode the spaciousness of the site which in its current form helps the transition from the nearby built environment into the fields beyond. As set out above, on-site and other landscaping would soften the built form to some extent. Nevertheless, I cannot be certain if landscaping would be retained in perpetuity as overshadowing trees could come under threat by future occupiers, and some trees lining the site are in the ownership of third parties.

³ APP/Y3615/W/19/3233618

19. Therefore, taking a cautious approach, I conclude that the prominence and layout of the proposal in this specific location would be contrary to Policy P1 of the GLP which says, amongst other things, that development proposals within the AGLV will be required to demonstrate that they would not harm the distinctive character of the AGLV, and the Framework when read as a whole.

Other Matters

20. I note that the proposal would not harm the living conditions of neighbouring occupiers and would be likely to have a negligible effect on site ecology. Indeed, there may well be some net gains as a result of the already relocated pond, enhanced habitat, new trees and other planting. However, this does not outweigh the harm I have found above.

Conclusions

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

J E JOLLY

INSPECTOR