

Appeal Decision

Site visit made on 4 July 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/Y3615/W/21/3286816

Land at 19 Pilgrims Way, Guildford GU4 8AD

- 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 Amalfi Investments LLP against Guildford Borough Council.
 - The application Ref 21/P/01201, is dated 27 May 2021.
 - The development proposed is formation of vehicular access and erection of a two storey dwelling on land to the rear of 19 Pilgrims Way with associated parking and landscaping.
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Decision

1. The appeal is dismissed and planning permission for the formation of vehicular access and erection of a two storey dwelling on land to the rear of 19 Pilgrims Way with associated parking and landscaping is refused.

Preliminary Matters

2. The appeal was made against a failure to give notice of a decision on the planning application within the prescribed period. However, the Council have detailed their concerns within their submissions, and advised that, had they been in a position to determine the application, it would have been refused.

Main Issues

3. Having regard to the Council's putative reasons for refusal, the main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of existing and future occupiers of no 19 Pilgrims Way, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site lies within an established residential area predominantly characterised by large dwellings set within verdant and extensive grounds. The majority of the properties are set back from the road, with clearly defined frontages to the street. These characteristics give the locality a pleasant and spacious suburban feel. The appeal property, an imposing two-storey house, and the large size of the plot reflect the prevailing pattern of development.

5. The subdivision of the appeal site to enable the construction of an additional dwelling would significantly reduce the spacious nature of the plot, which presently makes an important contribution to the character of the surrounding area. Whilst a reasonably sized garden would be provided as part of the development, the scale of the new dwelling would be excessive and appear as a disproportionate addition relative to the size of the plot.
6. The proposal would sit as an uncharacteristic and discordant feature, which would fail to reflect the prevailing pattern of development in the locality. My attention has been drawn to other examples of infill developments, for instance at nos 5, 7 and 7a Pilgrims Way, but these appear to have successfully blended into their surroundings, as they are to a very large extent hidden by mature vegetation. There is a separate dwelling to the rear of no 9 Pilgrims Way, a Grade II listed building, but the subdivision of the plot is not particularly obvious within the street scene and, in the absence of further information, I am unable to ascertain whether the details of this particular scheme are comparable to the appeal scheme. Whilst no 19 Pilgrims would to a degree screen the new house, the incongruous nature of the proposal would nevertheless be visible from neighbouring properties and would also be evident within the public realm, notably due to the proposed access.
7. The creation of a narrow vehicular access along the boundary shared with no 17 Pilgrims Way and erection of close boarded fencing would emphasise the severance of the plot. It would also appear far from subtle, especially as the area proposed for hedgerow planting is unlikely to thrive in such a narrow space, and thus would be ineffective in softening the visual impact caused by the subdivision of the appeal site.
8. My attention has been drawn to a development within relative proximity to the appeal site, at no 5 Echo Pit Road, where planning permission has recently been granted for the demolition of the existing house and the erection of two dwellings with garages. As shown on the presented evidence, the new dwellings both front Echo Pit Road and the circumstances of this development do not therefore represent a direct parallel to the appeal scheme. The appellant's submissions have referred to a number of other backland developments, but these have taken place in the context of a different road frontage, and are therefore considered of limited relevance to the proposal before me.
9. For the foregoing reasons, the proposal would harmfully erode the character and appearance of the area. It would therefore fail to accord with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), Saved Policy G5 of the Guildford Borough Local Plan 2003 (LP). Amongst other things, these require new developments to achieve high quality design that responds to distinctive local character of the area in which it is set. The appeal scheme would also be contrary to Section 12 of the National Planning Policy Framework (the Framework) and the National Design Guide, which seek to ensure that development proposals are influenced by local character and the characteristics of existing built form.

Living conditions

10. The proposed dwelling would be sited to the rear of no 19 Pilgrims Way, and on higher ground than this existing property. As part of the development, a close boarded fence would be installed on the boundary shared by the two houses,

and tall bay trees would also be planted to provide additional privacy. The windows sited on the southern elevation of the new dwelling would not serve habitable rooms, and are proposed to remain obscure glazed.

11. Whilst the property would be constructed on higher ground, the proposed two-storey element would be sited at reasonable distance away from no 19 Pilgrims Way. And although I have reservations regarding the vegetation's ability to develop in such a constrained area (between the garage and the fence) and thus provide screening, the separation distance would ensure that the development does not appear overbearing or oppressive, when viewed from no 19 Pilgrims Way or its rear garden.
12. Given the above, I am satisfied that the appeal scheme would have no unacceptable effect on the living conditions of the neighbouring occupiers of no 19 Pilgrims Way, having particular regard to outlook. There would consequently be no conflict with Saved Policies G1(3) and H4 of the LP which require the amenities enjoyed by occupants of buildings to be protected from unneighbourly development, as well as paragraph 130 of the Framework.

Other Matters

13. Various concerns have been raised by a number of interested parties, notably regarding the effect of the development on the setting of the Surrey Hills AONB. The Council has however raised no objection in this respect, and having regard to the available evidence, there are no reasons for me to reach an alternative view. The site lies within the built envelope of the existing urban area, at some distance from the AONB, and I am therefore satisfied that the proposed development would have no adverse effect upon its setting.
14. The appeal site lies within proximity to the Thames Basin Heaths Special Protection Area (SPA), which is a network of heathland sites providing a habitat for a number of internationally important bird species, including woodlark, nightjar and Dartford Warbler. The Council considers that the proposed development could have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures and road traffic emissions, unless suitable mitigation is provided. Development proposals are therefore required to make financial contributions towards mitigations measures, which are normally secured through the completion of a planning obligation.
15. As the appeal is being dismissed on other substantive grounds, these are not matters which need to be addressed further here. However, had the development been considered acceptable in all other respects, I would have sought to carry out an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Conclusion

16. The appeal scheme would contribute towards housing supply and choice. It would also support the local economy to some extent. However, these benefits would be outweighed by the harm which the proposal would cause to the character and appearance of the area. There are no material considerations, which indicate that the appeal should be determined, other than in accordance

with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR