
Appeal Decision

Site visit made on 9 August 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2022

Appeal Ref: APP/Y3615/W/21/3286229

Land between Smugglers End and Merlins, Smugglers Way, The Sands, Farnham, Surrey (488197, 146336)

- 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 M Keane (MPK Farnham Ltd) against the decision of Guildford Borough Council.
 - The application Ref 21/P/00535, dated 12 March 2021, was refused by notice dated 8 September 2021.
 - The development proposed is Erection of a single dwelling and detached garage on land between Smugglers End and Merlins, Smugglers Way.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst not referred to within the reasons for refusal, the appeal site is located within the Surrey Hills Area of Outstanding Natural Beauty (the AONB). In determining this appeal, I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRW Act). This requires that relevant authorities have regard to the purpose of conserving and enhancing the natural beauty of an AONB. As such, I have invited the appellant to provide further representations on this matter and I have considered it as part of the main issue.
3. The appeal site is located within the Green Belt. The main parties agree that the proposed development would not be inappropriate development in the Green Belt. Given that I am dismissing this appeal on other grounds it is not necessary to consider this matter in further detail.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area including its effect on the Surrey Hills AONB.

Reasons

Character and Appearance

5. The appeal site comprises an area of grassland, which is located in The Sands. This village has a rural character and is situated within the Surrey Hills AONB. The appeal site currently makes a positive contribution to the rural character of the village, with the landscape sweeping down into the village, providing an attractive green frontage adjacent to the highway. Whilst some planting within

- the site and adjacent provides visual screening, much of the site is visible from Smugglers Way, particularly given that the land rises above the highway.
6. The surrounding area comprises of predominantly two-storey detached and semi-detached buildings, albeit there are some single storey dwellings. The appearance of residential development in the surrounding area is varied, with a range of building materials used and differing designs adopted.
 7. In contrast to the appeal site, most residential plots within the surrounding area, particularly to the north, are relatively compact, with dwellings typically having more modest frontages with the street. There are exceptions to this prevailing character, including the Public House and the bungalows to the south of the appeal site. However, the Public House has a different function to residential development and it serves as a focal point within the street scene. As a result, it does not serve as a good comparison and does not represent the prevailing character of the area.
 8. The footprint of the proposed dwelling would be similar to that of the single storey dwellings to the south. The street scene plan provided by the appellant indicates that these bungalows would have a similar prominence in the street scene when compared to the proposed development. However, they are largely screened by the existing trees within the appeal site and I noted during my site visit that they are not prominent when viewed from Smugglers Way. In contrast, given the central position of the proposed development within the appeal site and the limited visual screening from Smugglers Way, the proposed development would be very prominent in the street scene. Indeed, it would be completely at odds with the prevailing character of the smaller semi-detached and detached dwellings to the north as well as that of 1 & 2 Ivyleigh Cottages, which are located on the opposite side of Smugglers Way.
 9. The harmful visual impact of the proposal would be exacerbated by the proposed detached garage and the large plot, which would inevitably accommodate a degree of residential paraphernalia. The appellant refers to the existing outbuilding (and approved plans to increase its scale) at Smugglers End to the north. However, this consideration does not provide a justification for the proposed development, given that the outbuilding is clearly subservient to the dwelling at Smugglers End.
 10. The appellant has provided evidence to indicate that the height of these neighbouring dwellings is similar to that of the proposed development. However, this evidence demonstrates that the proposed development would have a higher maximum ridge height than these neighbouring dwellings (regardless of the change in ground level). The primary exception is the Public House. However, as already indicated, the Public House has a different character to the surrounding residential development and as such, the comparison does not provide a justification for the proposed development.
 11. Given the elevated position of the appeal site and the views which would be possible over the access, existing and proposed planting and landscaping measures would not sufficiently mitigate the visual harm which would be caused by the proposal.
 12. The general appearance of the dwelling, in terms of the relatively traditional materials used and the fairly extensive glazing proposed, would not in themselves be features which would be harmful to the existing varied character

of the area. However, the lack of harm in this regard does not overcome the overall harmful visual impact of the development.

13. The Surrey Hills AONB management plan (2020-2025) indicates that a key feature of the AONB is its diverse landscape, comprising of hills, valleys and woodland - within which agricultural uses and picturesque villages sit. Indeed, this mosaic character is distinctive and valuable. The appeal site is part of a wider stretch of undeveloped land which seeps into the village. In this sense it does make a positive contribution to the juxtaposition between the picturesque settlement and the rural character beyond. The proposed development, given its excessive bulk and scale and elevated position, would harmfully erode this function, obstructing views of the undeveloped land to the west. This would be exacerbated by the position of the dwelling in the centre of the appeal site, set back from the highway.
14. As such, the proposed development would neither conserve nor enhance the natural beauty of the AONB. Whilst this harm would be confined to the immediate landscape setting of the village, it is nonetheless harm which should be afforded 'Great Weight' in accordance with Framework Paragraph 176.
15. The proposed development would be harmful to the character and appearance of the surrounding area and would fail to conserve or enhance the AONB. As such, it would conflict with Local Plan¹ Policies D1 and P1 which seek to ensure that development reflects local character and conserves the AONB, respectively. There would also be a conflict with saved Local Plan² policy G5(2), which requires in part that new development respects the scale, height and proportions of the surrounding environment.
16. In addition, the proposal would conflict with Framework Paragraph 130, which in part requires development to be sympathetic to local character.

Other Matters

17. Whilst I acknowledge that the appellant had positive pre-application advice from the Council and that Officers recommended approval of the application, these are not considerations which alter my findings.
18. On 29 April 2022 (after the submission of this appeal), the Council granted planning permission³ on the appeal site for a single dwelling and attached garage (hereafter referred to as the 'Fallback Scheme'). This permission remains extant, and I consider that there is a realistic prospect of it being implemented. It therefore represents a 'Fallback Position' which is a material consideration in respect of this appeal.
19. The appellant has provided me with copies of the approved plans and the decision notice. The approved plans indicate that the scale of the Fallback Scheme has been reduced in comparison to the proposed development. Indeed, the approved plans indicate that the gross external floor area, footprint, height, width and depth have all been reduced. Furthermore, the Fallback Scheme does not include a detached garage, with the garage an integral feature of the dwelling. As a result, the Fallback Scheme would be materially less harmful to the character and appearance of the area and the

¹ Guildford Borough Local Plan: Strategy and Sites 2015-2034 (Adopted April 2019)

² Guildford Borough Local Plan 2003 (Adopted January 2003)

³ LPA Reference: 21/P/02454

AONB than the development proposed under this appeal. This is not therefore a consideration which alters my conclusions in relation to the harm which the proposed development would cause.

20. The decision notice for the Fallback Scheme does not include a condition removing permitted development rights. The appellant has not raised the prospect of utilising permitted development rights as a relevant consideration in respect of this appeal. Nonetheless, given the location of the appeal site within the AONB, permitted development rights would be restricted in any case.
21. There would be social and economic benefits associated with the proposed development resulting from the provision of one new dwelling and the temporary support for construction jobs. However, given that only one dwelling is proposed, these benefits are of limited weight, and they would not outweigh the significant harm which would be caused nor the conflict with the development plan.

Conclusion

22. The proposed development would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate that a decision should be made other than in accordance with the development plan. As such, the appeal is dismissed.

Luke Simpson

INSPECTOR