



---

# Appeal Decision

Site visit made on 10 January 2023

**by Emma Worley BA (Hons) Dip EP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> February 2023**

---

**Appeal Ref: APP/R3650/W/22/3303484**

**Land at Long Barton, 1 Firs Avenue, Bramley, Guildford GU5 0ED**

- 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 and Mrs Lu against the decision of Waverley Borough Council.
  - The application Ref WA/2022/00027, dated 19 November 2021, was refused by notice dated 28 April 2022.
  - The development proposed is described as 'Proposal to split the site of Long Barton 1 Firs Avenue into two separate plots and erect a new 3 bedroom dwelling whilst retaining the existing building'.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant has provided additional information regarding the ground source heat pump and flood risk in response to concerns raised by both the Council and interested parties. I am not aware that this information has been subject to any public consultation. However, given that the Council has had the opportunity to consider it and to provide comments, I am satisfied that no party would be prejudiced should I determine the appeal having regard to this additional information.
3. On the basis that this information is accepted, the Council has indicated that it is satisfied that, subject to planning conditions, the proposal would be acceptable in both regards and as such it is not pursuing its second and third reasons for refusal. I see no reason to disagree with that assessment, and I have therefore not considered these matters any further.
4. The Council has brought to my attention the adoption of its Climate Change and Sustainability Supplementary Planning Document (adopted October 2022) and its 5 Year Housing Land Supply Position Statement published November 2022, which indicates a supply of 4.9 years. The appellant has been given the opportunity to comment on these documents.

## Main issue

5. In light of the above, the main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

6. The appeal site is located in a predominantly residential area made up of an eclectic mix of detached, semi-detached and terraced properties of varying ages and architectural styles, including single and two storey dwellings. It comprises a parcel of land which forms the rear garden to Long Barton, 1 Firs Avenue (No 1). The property lies at the end of a row of similar two storey semi-detached properties within a small cul-de-sac off Barton Road. The dwellings in the row are orientated to front Firs Avenue, with long rear gardens extending to the watercourse which runs along the rear boundaries of the properties. The property at 2 Firs Avenue (No 2) is an exception to this, as its rear garden has been incorporated into that of No 1. That aside, the undeveloped and open nature of the garden space to the rear of the dwellings makes a positive contribution to the sense of uniformity of the dwellings and the spacious and open character of the area.
7. The appeal proposal would introduce a dwelling in the otherwise open area to the rear of the properties. Furthermore, the proposed dwelling, which includes accommodation across two floors, with the first floor rooms within the roof space, would be seen in the context of the residential development on this side of Barton Road and primarily the two storey traditional semi-detached dwellings adjoining the site in Firs Avenue.
8. In terms of design, the proposed dwelling would be unlike anything in the vicinity, including two pitched roof parts with curved ridges set at an oblique angle to one another and linked with a single storey flat roof section. I note the appellant's suggestion that this is an innovative response to the characteristics of the site. However, whilst there are variations in architectural styles in the wider vicinity, the immediate site context has a more definitive character comprising dwellings of a traditional appearance. As such, the modern design of the proposed dwelling would detract from the distinctiveness of the area and would be out of keeping with the local building style. It would have an incongruous appearance in this regard.
9. The appeal scheme has been amended to address previous concerns. However, due to the shape of the plot, there would be limited space between the proposed dwelling and the front and rear boundaries, as well as the side boundary it shares with Nos. 1 and 2. As such it would appear cramped and would be unduly dominant in views along Barton Road.
10. Therefore, as a consequence of its design, siting and layout, including the location of the proposed private garden area to the side rather than the rear of the dwelling, the proposed development would be an anomalous feature that would be at odds with the prevailing layout and character of the nearby residential development.
11. I note the appellant's suggestion that the resulting plot size would be comparable to the higher density smaller terraced and link-detached dwellings opposite the appeal site in Fisher Rowe Close. Whilst this may be the case, the appeal site is set in a distinctly different context, where, for the reasons above, the proposal would not sit comfortably.

12. My attention is drawn to an appeal which was allowed on a nearby site at Kirkstone, Barton Road<sup>1</sup> for the demolition of an existing single-storey dwelling and the erection of two two-storey, semi-detached dwellings in its place. However, whilst there are some similarities, the proposal is not comparable to the appeal scheme before me as it was for the replacement of an existing dwelling set in a different site context, on the opposite side of Barton Road.
13. In light of the above considerations, I agree with the findings of the Inspectors in the earlier appeals<sup>2</sup> for similar development at the site and conclude that the proposal would harm the character and appearance of the area. Accordingly, the proposal is contrary to WBCLP Policy RD1 which supports development which is well related in scale and location to existing development; Policy D1 in so far as it does not permit development that would harm the visual character and distinctiveness of a locality; and Policy D4 which requires development to integrate well with the site and to complement its surroundings. It would also fail to accord with the high quality design aims of Policy TD1 of the LPP1 and paragraph 130 of the Framework.
14. The proposal would also fail to comply with Policy BNP-G3 of the Bramley Neighbourhood Plan (2017-2032) which seeks to maintain the character of the built environment by ensuring that the scale and height of new buildings are proportionate to their surroundings.

### **Other Matters**

15. The appeal site lies within the Green Belt. There is no dispute between the main parties that the proposal would not be inappropriate development in the Green Belt, as defined in the National Planning Policy Framework 2021 (the Framework). This differs from the conclusions of the previous Inspectors in the earlier appeals on the site, due to the adoption of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites (LPP1) in February 2018, which renders Policy C1 of the Waverley Borough Council Local Plan 2002 (WBCLP) out of date. In terms of the Green Belt, Policy RE2 of the LLP1, which reflects the aims of the Framework, is now relevant.
16. I note that neither the highway authority nor the Council have raised an objection to the proposal on highway safety grounds with regards to the capacity of the local highway network or the proposed access arrangements. I have no reason to disagree with this assessment. Furthermore, the submitted plans show that the proposal would include off road parking provision to meet the relevant standards.
17. The fact that the proposal would provide an adequate level of private amenity space and living conditions for future occupiers, is a neutral factor. Whilst the proposal would include energy efficiency measures such as solar panels and an air source heat pump, this would not outweigh the harm I have identified above.
18. I have taken into account other matters raised by interested parties including the effect of the proposal on living conditions and ecology. However, I note that the Council has not raised an objection on these grounds and as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

---

<sup>1</sup> APP/R3650/W/18/3215703

<sup>2</sup> APP/R3650/W/16/3149175 and APP/R3650/W/17/3169650

19. The appeal scheme is a resubmission of a preceding application refused by the Council. I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a proposal that would harm the character and appearance of the area for the reasons I have already outlined.

### **Planning Balance and Conclusion**

20. Whilst recent figures indicate that housing supply has increased slightly in the Borough, the Council remains unable to demonstrate a 5 year supply of deliverable housing sites. In this scenario, paragraph 11 of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where there are specific policies in the Framework which indicate that development should be restricted. The specific policies referred to in footnote 7 of the Framework do not apply in this instance.
21. As set out above, the development would give rise to significant harm to the character and appearance of the area and would be contrary to the development plan in this respect.
22. Set against this, the development would make a contribution towards the supply of housing, albeit limited given the scale of the development for a single dwelling. Future occupiers of the proposed dwelling would also benefit from a degree of accessibility to services and public transport. The proposal would also generate economic benefits during the construction phase. These are all factors that weigh in the scheme's favour. In view of the current shortfall in housing delivery, I give these considerations moderate weight.
23. On balance, and taking all matters into consideration, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
24. For the reasons given above I conclude that the appeal should be dismissed.

*Emma Worley*

INSPECTOR