



Appeal Decision

Site visit made on 27 March 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/Y3615/W/22/3307654

Forest Farm, Forest Road, East Horsley KT24 5ER

- 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 Antony Etwell against the decision of Guildford Borough Council.
 - The application Ref 21/P/01537, dated 30 April 2021, was refused by notice dated 18 May 2022.
 - The development proposed is described as the 'Construction of a single storey, two bedroom dwelling.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the Council's Decision Notice. This is in the interest of clarity, although I have taken the design details specified in the original description into account in coming to my decision.
3. A further document¹ illustrating what the appellant considers to be similar backland development in the area has been submitted as part of this appeal. The Council has had opportunity to comment on the further document and I have considered the appeal having regard to it.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

Character and appearance

5. Forest Farm is set closer to the road than its neighbours and there is variety in plot sizes in the wider area. However, Forest Road adjacent to the appeal site is mostly characterised by large, detached two storey dwellings set back but fronting the road in sizable plots with spacious front and rear gardens and attractive, mature trees and hedged boundaries. These features contribute positively to the road's consistent, verdant, spacious, suburban character.
6. The proposed dwelling would be located to the rear of Forest Farm, and whilst the proposed single storey dwelling would not be particularly visible from

¹ Forest Farm "A Home for 2030" Comparable backland developments, dated 22 Dec 2022

Forest Road, it would be visible from the neighbouring properties. A new independent dwelling in this location would be at odds with the linear pattern of street facing dwellings in the surroundings.

7. I accept that the position of Forest Farm means that there is greater space at its rear than the neighbouring properties and so subdivided plot sizes would remain comparable with nearby dwellings. However, the proposal would introduce a single dwelling sitting awkwardly next to the rear gardens of its adjacent neighbours, remote from other similar built development and set significantly and incongruously behind the generally established Forest Road building line. The proposed dwelling would notably intrude into the open attractive rear garden land and introduce significant built form and areas of hard surfacing. The dwelling's location would be at odds with the established neighbouring development. It would jar in its local context and appear as a prominent feature which would detract from the open, spacious, and mature rear garden environment. Consequently, the proposal would not reflect the form nor grain of existing development and would therefore harm the established character of the surroundings.
8. Policy EH-H8 of the East Horley Neighbourhood Plan 2017-2033 (NP), sets out that that residential infilling, including backland development, would be supported where, amongst the matters, the site is substantially surrounded by existing development. In this instance, given its siting next to the rear gardens of both neighbours, the dwelling would not be surrounded by development. The appellant also references the National Design Guide², however the harm I have found to the character of the area is not compatible with the principles of well-designed places set out in the guide.
9. A number of examples of similar development within the wider area of East Horsley have been brought to my attention. Whilst photographs and/or maps are provided, limited detail of these schemes are before me and therefore it is not possible to directly compare the development with the appeal, for example in terms of street scene context, policy background or site history. In addition, development elsewhere in the wider area does not necessarily impact the character and appearance of the appeal site and its immediate surroundings set out above. The appellant does however point to some developments within the immediate vicinity. Firstly, the dwelling 4 doors to the south is set off Falconwood, a cul-de-sac, and is not therefore a backland dwelling. To the north near the junction of Forest Road and Forest Lane appears to be two dwellings immediately next to each other, Two Beeches and Oaklea. The planning history of this site is unclear, however the rear dwelling, Oaklea is, given the constraints of the site, sited closer to and not so obviously to the rear of the building line as the proposal.
10. Additionally, reference is made to three dwellings accessed off Forest Lane, however these, and a number of other examples provided by the appellant, are of multiple dwellings and as such establish a wider context, separate to Forest Road, and do not appear as incongruous as a single dwelling set back behind a frontage house. Further these dwellings are some distance from the appeal site and do not influence the character and appearance of the appeal site surroundings. As such I do not consider that this scheme and others referenced are directly comparable to the proposal before me.

² National Design Guide 'Planning practice guidance for beautiful, enduring and successful places', Ministry of Housing, Communities and Local Government 2021

11. The appellant refers to the possibility of an additional dwelling being erected next to the proposal; however, this is not part of the proposal and there is no evidence before me that planning permission for any such development has been sought.
12. I conclude that the development would harm the character and appearance of the surrounding area. Accordingly, the proposal conflicts with the requirements of saved Policies G5 and H4 of the Guilford Borough Local Plan (2003) (SLP), Policy D1 of the Guildford Borough Council Local Plan: Strategy and Sites 2015 – 2034 (2019) (LP), which require development to respect the character, established street patterns and building lines of the area. Given that the proposed dwelling would be neighboured on both sides by undeveloped garden and a lack of similar built form, there is also conflict with NP Policy EH-H8. The proposal would also conflict with the advice set out in the Supplementary Planning Guidance Document 'Residential Design Guide' (2004) which sets out that any development should be sensitively designed to harmonise with the locality. These policies and advice are in broad conformity with the National Planning Policy Guidance (the Framework).

Other Matters

13. The appeal site is within 400m – 5km of the Thames Basin Heaths SPA, which supports breeding populations of three rare species of bird: Nightjar, Woodlark and Dartford Warbler. The conservation objectives for the SPA are, in summary, to ensure that the integrity of the site is maintained or restored in order to protect the habitat and the birds that depend on it. The birds which are features of the SPA are vulnerable to disturbance from recreational activities, which would likely increase through new housing development.
14. In accordance with SLP Policy NE4, LP Policy P5 and Policy NRM6 of the South East Plan (2009), appropriate mitigation would need to be secured for such development. The appellants have indicated willingness to provide a planning obligation to make a financial contribution toward what they consider to be appropriate mitigation, however, no such formal legal agreement or mechanism has been submitted.
15. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.
16. Forest Farm is a grade II listed building. As one of a series of estate buildings by Lord Lovelace in East Horsley Parish, constructed in 1867, the significance of the building lies with historic nature and its special architectural qualities, including lint rubble finish, some knapped, with brick and terracotta quoins and dressings and slate roofs. The proposed dwelling would be located to its rear, however given its limited scale and separation distance, which would be greater than the two existing adjacent neighbouring properties, the dwelling would not compete with nor detract from the asset's architectural significance. Therefore, although it would be visible, it would have a neutral impact on the setting of the asset. It is noted that the Council have raised no issue with the impact of the proposed development in this respect.
17. The proposal would not affect the appreciation of the building and accordingly I find that its significance would be preserved, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

18. The development is designed to be carbon positive and low impact (zero-energy) and I note the letters of support submitted in this regard. I acknowledge that this would be beneficial and help meet the planning for climate change national goals of Framework paragraph 154 (and Section 14 of the Framework in general), in addition to Guildford Borough Council's Corporate Plan's pledge to lead on climate change (2021-2025). However, given the small amount of development proposed, this carries modest weight in favour of the proposal. This is also the case with regards to improvements to the ecological qualities of the site.
19. The appellant refers to the lack of conflict with policies relating to issues such as the living conditions of future occupiers and occupiers of neighbouring dwellings and highways impact, however, compliance with the development plan in these respects is a neutral matter.
20. I recognise that there is no indication that overall, the Council are failing to provide sufficient housing to meet its identified need, Nevertheless, the proposal would result in an additional unit of accommodation which would contribute to addressing the Government's broader objective of significantly boosting the supply of homes. As a smaller 2 bed unit, the proposal would be of a size that contributes towards the identified needs of the Borough in a location with good access to services and facilities.
21. The proposal would result in a short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwelling. However, given the quantum of development in this case, I give this matter limited weight.
22. I have based my decision on the information before me and my observations on my site visit. I recognise that numerous letters of support have been submitted from local residents and a Councillor, raising issues such as the sustainability qualities of the design and construction, the modest scale of the proposed dwelling and character and appearance, however these matters do not lead me to a different conclusion on the main issue.
23. I note that the appellants have made a complaint against the Council, however this is a matter between the parties and is not for consideration under this appeal. The appellants comments regarding the consistency of the Council's decision-making process and issues at Committee are also matters for local government accountability.
24. The benefits of the development attract limited weight in favour of the scheme, which do not outweigh the harm to the character and appearance of the surrounding area, which is a matter that attracts significant weight against the scheme.

Conclusion

25. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

B Phillips INSPECTOR