



Appeal Decision

Site visit made on 12 September 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH September 2023

Appeal Ref: APP/Y3615/W/23/3320407

7 St Pauls Close, Tongham, Surrey GU10 1EN

- 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 Michael Croney against the decision of Guildford Borough Council.
 - The application Ref 22/P/01108, dated 24 June 2022, was refused by notice dated 2 March 2023.
 - The development proposed is described as "build two out buildings (sheds) on hard stands beyond dwelling front elevation where curtilage is detached from property (not directly in front of house) as this should be the best area keeping it out of site of neighbours. Lawful develop certificate was submitted of this but requires planning because the sheds are beyond front elevation".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. It is however lengthy and contains words that are not acts of development. The Council's decision notice and the appeal form describe the development as "erection of two outbuildings on hardstanding with the erection of associated fencing around two sides". I consider this more accurately reflects the proposal and have determined the appeal on this basis.
3. There is no dispute between the parties that the fencing has already been granted permission and at my visit I observed that it had been constructed.
4. During the course of the appeal the Council has confirmed that Policy G5 of the Guildford Borough Local Plan 2003 is no longer part of the development plan. I have therefore not taken it into account.

Main Issue

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

Reasons

6. The appeal site comprises an open and undeveloped parcel of land within a housing estate characterised by brick buildings and small open spaces that punctuate and add amenity value to the otherwise predominantly built up residential area. At the time of my visit, the appeal site had a light covering of grass though was mostly surfaced with levelled soil. Despite this current appearance, it is conceivable the site would return to a more natural vegetative

state if left undeveloped. Additionally, it is adjacent to busy residential parking areas and a path that provides an open and permeable link to and from an adjoining high street.

7. The sheds would be much smaller than the adjacent D&M Engineering building and nearby properties. They would be lower than stated in the officer report and largely screened from parts of the high street by the existing fencing and established retained vegetation behind. Despite this, even if more sympathetic external materials were to be controlled by an appropriately worded condition, the sheds would nevertheless introduce a cumulative and cluttered bulk of domestic buildings into an area that is free from development.
8. Furthermore, they would be visible from the footpath connecting nearby property frontages to the high street. This would have the effect of enclosing the existing space that currently serves to break up built form, allowing an openness and permeability through the estate. Consequently, although not harmfully affecting residential amenity, the development would not function well and add to the overall quality of the area. Neither would it maintain a strong sense of place using the arrangement of spaces to create an attractive, welcoming and distinctive place to live as promoted within chapter 12 of the National Planning Policy Framework (the Framework).
9. Therefore, I conclude that the proposal would cause harm to the character and appearance of the area. As such, the proposed development would be in conflict with Policy D1 of the Guilford Local Plan: strategy and sites 2015-2034 Adopted April 2019 which, amongst other things, seeks to ensure developments respond to and reinforce locally distinct patterns of development. In this respect, there would also be conflict with chapter 12 of the Framework.
10. I have not been provided with any substantive evidence to demonstrate the scheme would be in conflict with the Council's Residential Extensions and Alterations Supplementary Planning Document 2018.

Other Matters

11. I note the appellant's comments in respect of exercising permitted development rights in other locations, though these are not determinative to the outcome of the appeal. Furthermore, reference is made to an approved planning application on land at Manor Farm though I am not aware of its site specific circumstances. In any case, that was for a large-scale development that is not comparable with this appeal which I have assessed on its individual merits, based on the evidence before me.
12. I note the appellant's comment that there were no representations or objections to the scheme. However, the absence of any third party objection is not a reason in itself to allow unacceptable development. Additionally, I have paid regard to the appellant's comments in respect of the processing of the application, though these do not affect my findings on the outcome of this appeal.
13. Comments made in respect of land ownership are noted. However, there is no evidence that any problems could not be properly dealt with under legislation dealing with private legal rights regarding land ownership.

Conclusion

14. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR

