



Appeal Decision

Site visit made on 8 January 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Appeal Ref: APP/Y3615/W/23/3326599

The Ridings, Lynx Hill, East Horsley, Surrey KT24 5AX

- 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 Keith Floyd against the decision of Guildford Borough Council.
 - The application Ref 22/P/02110, dated 15 December 2022, was refused by notice dated 14 June 2023.
 - The development proposed is construction of a 5 bedroom detached dwelling with integral garage following the demolition of the existing house.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a 5 bedroom detached dwelling with integral garage following the demolition of the existing house at The Ridings, Lynx Hill, East Horsley, Surrey KT24 5AX in accordance with the terms of the application, Ref 22/P/02110, dated 15 December 2022, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposed dwelling on the character and appearance of the area having regard to its design, including scale.

Reasons

3. East Horsley village includes a high proportion of large two-storey detached houses. Most are in generously sized, leafy garden plots so average density of development is low. Many are locally distinctive, including 1930s inter-war houses each individually designed in a homogenous arts and crafts style by architect Frank Chown. East Horsley Neighbourhood Plan 2017-2033 (NP) sets out that it is important to sustain the present character of the village, including through replacement dwellings. In this regard NP Policy EH-H7 contains a design code to ensure new houses are in keeping with the general character of the village and the particular location of a site.
4. Chown houses appear in roads near the site¹ and form most of the dwellings in rows along both sides of Lynx Hill. These are described by some local residents as either 'original Chown', 'older Chown inspired design' or 'modern Chown influenced design'. I have no reason to find otherwise. In contrast, The Ridings is an unremarkable mid-20th century, likely 1960s, detached house. It is smaller than many in Lynx Hill but in a similar sized plot to most, with

¹ Including Pine Walk, Pennymead Drive, Pennymead Rise and Woodland Drive

comparable landscaped gardens front and back. Although largely innocuous the architecture of this house is of its time and at odds with its local context. It does not therefore make a positive contribution to the character or appearance of the area.

5. Being a replacement dwelling the proposed house would not alter the density of development. A large two-storey detached house reflects the prevailing type and general form of residential development in this part of the village.
6. The wide rectangular floorplan of most dwellings in Lynx Hill face the road at different angles to it, though in essence front onto it. The house would also sit wide across the site, though with a squarer emphasis to the floorplan and set parallel to the road. However, this reflects the orientation of the existing house. Additionally, some dwellings in Lynx Hill have deeper floorplans or are more aligned with the road such that by these comparisons there would be little discernible difference. The house would be closer to the side boundaries of the site than the existing house. But so too are many dwellings in Lynx Hill, some with two-storey elevations tight either side; whereas one side of the house would step down in height and bulk with the largest gap on its two-storey side.
7. Observed from road level crown roofs can appear much as a conventional roof slope and ridge line, as would the crown roofs in this case. A narrow single-storey flat roof at the rear would be wide but shallow so not overly extensive in size. The varied width of some roof elements would be united by the same pitch and as in the main roof. The overall impression in views from Lynx Hill would be a main hipped or half-hipped roof form with front projecting gables or bays, a small dormer and front and rear catslides to lowered eaves level. Extensive or complex roof form of this sort is not alien in Lynx Hill.
8. Though tall and wide, the house would be well-designed and proportioned at ground, first and roof levels so as a whole, as are the dwellings in Lynx Hill. Apparent bulk would also be moderated by an indented floorplan resulting in articulated, stepped elevations and variation in external materials in ground and first floors giving a horizontal emphasis, as elsewhere in Lynx Hill. A planning condition could ensure that the intended height of the house on the site was clearly established in relation to existing and proposed ground levels at the outset. On this basis, the house would be no higher to ridge than the existing house or the dwellings either side of it and have a similar main eaves level so not be overbearing.
9. Much of the house would be sited in roughly the same position on the site as most of the footprint of the existing house, with little change to garden depth or openness at the rear. The front elevation would be closer to Lynx Hill but much of the increased size of the house in floor area is achieved behind or to the side. It would still respect the general building line along the site side of the road, so keep a comparable extent of openness at the front of the plot. This would also maintain a linear frontage in keeping with the arrangement of dwellings opposite which are closer to this lower side of the road.
10. The forensic measurements before me, including site dimensions, plot ratios and setbacks from Lynx Hill show some similarities, some exceptions and some anomalies between existing dwellings and plots in Lynx Hill in comparison to the site, the existing house and the proposed house. Taken in the round, the house would not be fundamentally or manifestly at odds with many of the other dwellings and plots in Lynx Hill in these regards. Therefore, while the

arrangement and extent of built form on the site would change, and despite on land gently sloping up from the road at a crest with an open plan front garden, the house would not appear overly cramped or overdevelop the site in this local context, nor be unduly prominent so not jar in the streetscene.

11. The proposed expansive hipped or gabled roof slopes and catslides, projecting gables and bays, small dormer, ornate chimney stack, first floor tile hanging with brick below including plinth and exposed timber framing with render infill panels and tall, narrow proportioned casement windows are indicative of arts and craft style houses. These features, or similar, are evident in some Chown houses in Lynx Hill and nearby, irrespective of when they were established, though each with a different blend including some features not incorporated in the proposed house – such as eyebrow windows, short, squarer proportioned casement window panes, dark stained timber boarding or herringbone brick infill panels.
12. There is, though, no requirement to deliver a facsimile of an existing Chown house and because to do so would undermine their innate individual and collective worth. However, the submitted application lacks sufficient conviction in certain of these or other design details of the Chown houses in Lynx Hill and nearby. This includes dark red or brown clay roof tiles and tile hanging, exposed natural or dark coloured timber framing with white render infill panels and natural or dark coloured timber fenestration with regimented lead casement windows.
13. Notwithstanding what has been suggested in the application plans and documents, these aspects of the proposal could be resolved by a planning condition. This would allow the Council to approve suitable details of high quality external materials, including in type and colour with samples if necessary. This would ensure that the house reflected the Chown arts and crafts style in its own way but with cohesion and cogence to successfully assimilate it into its vernacular context.
14. Taking account of all the above, I find that the house would not be dominant or disproportionate in scale to the size of the plot or other dwellings and not contrived or incompatible in design overall. It would be in keeping with the general character of the village and the particular location of the site in Lynx Hill, so make a positive contribution to the character and appearance of the area.
15. Accordingly, the proposal does not offend NP Policy EH-H7 and it also complies with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019 and Policies D4 and D8 of the Guildford Borough Local Plan: Development Management Policies 2023 (DMP). These policies include that residential frontage infill redevelopment should be high quality and designed to reflect, respect or complement the distinct pattern and prevailing local character of the area; having regard to history and sense of place, context, buildings of interest, layout, plot sizes, building line, height, form, scale, proportions, roofscapes, materials and detailing.
16. The Council also cited NP Policy EH-S1 and DMP Policy D5 in its reason for refusal. There is no evidence that the site is not within the defined settlement area of East Horsley village, so on this basis the proposal does not conflict with the first policy. The Council did not object to its effect on living conditions so the second policy is not relevant.

Other Matters

17. Many local residents, East Horsley Parish Council and a local ward Councillor objected, including for other reasons outlined below. I have had due regard to these representations and that the Council did not object to the proposal for any of these other reasons. I have determined the appeal on its individual planning merits.
18. Two large oak trees in the front garden of the site have significant visual amenity value and are protected by a Tree Preservation Order. A condition could allow the Council to approve suitable measures to protect them during construction works, as recommended in the appellant's tree report. There is no objective evidence that the proximity of these already mature trees to the proposed house or habitable rooms would unduly restrict maintenance or living conditions, such as outlook or natural light, so no apparent reason to expect future significant tree works. This would anyway require the Council's approval. Such a condition could include measures to protect a visually distinctive hedgerow along the southwest boundary of the site which also screens the driveway of an adjoining property.
19. There would be less permeable area on the site so details of an appropriate sustainable drainage system to attenuate the flow or rate of surface water discharge to ground could be obtained by a condition. This would also help to avoid increased risk of flooding already experienced off-site. Additional details of measures to help address the effects of climate change, including energy and water efficiency measures and an electric vehicle and cycle charging point could be secured by a condition. A condition could also deliver biodiversity enhancement and net gain at the site in accordance with recommendations in the appellant's ecology report, which amongst other things has considered the potential for protected species at the site or in the area, such as bat and badger presence.
20. The separation distance between the proposed house and existing dwellings would be sufficient to ensure no detrimental effect on the living conditions of existing residents; including with a condition to prevent use of the rear flat roof as a terrace or balcony to avoid unacceptable overlooking of adjoining gardens from this otherwise open, elevated level.
21. A condition could allow the Council to approve appropriate arrangements for construction stage work on the site, such as vehicle parking or storage of equipment and materials, including considering the large area at the rear. Lynx Hill is a private road but also a public bridleway. Some inconvenience to all road users is often a consequence of development but would be temporary and is not a reason to refuse planning permission. The Council has powers to prevent statutory nuisance but noise or disturbance can occur at lower levels and harm residential amenity for planning purposes. Hours of working could be controlled by a condition to avoid construction activity at the most anti-social times when people usually expect to enjoy the benefit of their property.
22. There is no evidence that the appellant's objective reports were not prepared by a competent person or cannot be relied on, rather than what is otherwise largely anecdote or speculation. Damage to private property would be a matter between the respective parties and any alleged non-compliance with any approved plans or conditions would be a potential planning enforcement matter for the Council.

Conditions

23. The appellant has not objected to the conditions suggested by the Council if the appeal was allowed. In that event, I also have the appellant's written agreement to pre-commencement of development conditions for the reasons explained earlier relating to construction activity, ground levels, surface water drainage, energy efficiency, tree and hedgerow protection, biodiversity enhancement and net gain and external materials including fenestration design. Also to ensure demolition and construction waste can be re-used and reduce the amount of landfill. These aspects of the proposal are particularly important to its success or to avoid impacts, including off-site, so would need agreement at an early stage. There is therefore a clear reason to secure these details before the development started or was significantly advanced.
24. The appellant agrees to further conditions to make the proposal acceptable and I have taken into account the Council's comments in this respect. Where required, I have considered modified wording of the Council's conditions in the interests of clarity or precision and have had regard to the relevant tests in the National Planning Policy Framework (Framework) and Planning Practice Guidance. In addition to the conditions already referred to above, and the standard time limit condition for commencing development, a condition to specify the approved plans and documents would ensure certainty about what would be built. A condition is also necessary to encourage cycling as a more sustainable mode of travel and alternative to the private car, so help meet the challenge of climate change.
25. For the purposes of the conditions 'site' means land at The Ridings excluding Lynx Hill (which is otherwise included in the application red line).

Planning Balance and Conclusion

26. Subject to conditions the proposal complies with the development plan overall. There are no other material considerations, including relevant provisions of the Framework, to indicate that the decision should be taken other than in accordance with the development plan². Consequently, for the reasons given above the appeal succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (15)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents:

² Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and Framework paragraph 12

2021/P/555/201	site plan
2021/P/555/202	proposed house
2021/P/555/204	sections and street

Planning, Design and Access Statement	December 2022
Preliminary Ecological Appraisal Report	March 2022
Arboricultural Implications Assessment	January 2023
Room Size Space Standards	
Climate Change, Energy and Sustainable Development Questionnaire	

- 3) Prior to commencement of the development, including any works for demolition, site preparation or clearance, details of a construction management plan (CMP) to control such activity on the site shall be submitted to and approved in writing by the local planning authority. The CMP shall include:
- (a) Arrangements for parking and turning construction and visitor vehicles on the site and the location for loading/unloading and storage of equipment, materials and waste on the site so as to minimise disruption to all users of Lynx Hill during construction;
 - (b) Method of preventing mud and dust being carried onto Lynx Hill;
 - (c) Method of communicating the CMP to staff and visitors.

The approved CMP shall be adhered to throughout the construction period.

- 4) Notwithstanding condition 2), prior to commencement of the development, including any works for demolition, site preparation or clearance, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction, shall be submitted to and approved in writing by the local planning authority. The AMS and TPP shall also include measures to protect during construction the existing hedgerow that runs along the southwest boundary of the site shown in the approved site plan (drawing no. 2021/P/555/201). The development shall be carried out in accordance with the approved details. The existing hedgerow shall be retained and maintained in perpetuity. Any part that is removed, dies or becomes dangerous, damaged or diseased shall be replaced with new hedgerow of the same species and in the same position before the end of the first available planting season (1 November to 31 March) following such loss or removal.
- 5) Prior to commencement of the development, a Waste Minimisation Statement (WMS) confirming how demolition and construction waste will be recovered and reused on site, or elsewhere, shall be submitted to and approved in writing by the local planning authority. The approved WMS shall be adhered to throughout the construction period.
- 6) Prior to commencement of the development, a plan showing existing ground level in relation to proposed ground level, proposed slab level and proposed finished ground floor level in each elevation of the proposed

house shall be submitted to and approved in writing by the local planning authority. This plan shall ensure that the proposed house achieves the eave and ridge height relationship to adjoining dwellings shown in the approved sections and street plan (drawing no. 2021/P/555/204). The development shall be carried out in accordance with the approved details.

- 7) Prior to commencement of the development, a scheme for disposing of surface water on the site, which may include a sustainable drainage system, shall be submitted to and approved in writing by the local planning authority. The scheme shall include soakage tests, layouts and sections of the proposed drainage system, arrangements for maintenance and measures to prevent or control the discharge of surface water from the site, including onto Lynx Hill. The development shall be carried out in accordance with the approved details then retained and maintained thereafter.
- 8) Prior to commencement of the development, a Standard Assessment Procedure (SAP) output document shall be submitted to and approved in writing by the local planning authority. This document shall demonstrate that the Dwelling Fabric Energy Efficiency value is at least 10% lower than the Target Fabric Energy Efficiency value set by the Building Regulations 2010 (as amended). The approved details shall be implemented prior to first occupation of the development and retained thereafter.
- 9) Notwithstanding condition 2), prior to commencement of the development above slab level a scheme of ecological enhancement at the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details with measures implemented prior to first occupation of the development and retained thereafter.
- 10) Notwithstanding condition 2), prior to commencement of the development above slab level a written schedule of the details of all external facing and roof materials, including fenestration design, shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the source or manufacturer, type, colour and finish (with samples if requested) and the embodied carbon/energy environmental credentials. The development shall be carried out in accordance with the approved details.
- 11) No works relating to the carrying out or construction of the development, including demolition, groundworks or site preparation and deliveries or removals of materials, equipment, plant or machinery shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays and not at all on Sundays or recognised public holidays.

- 12) The dwelling hereby permitted shall not be first occupied until an electric vehicle fast charge socket has been provided at the site in accordance with details to be submitted to and approved in writing by the local planning authority. The details shall meet current minimum requirements for a 7kw Mode 3 with Type 2 connector and 230v AC 32 Amp single phase dedicated supply. The development shall be carried out in accordance with the details then retained and maintained thereafter.
- 13) The dwelling hereby permitted shall not be first occupied until facilities for secure, covered parking of bicycles and a charging point with timer for e-bikes have been provided at the site in accordance with details to be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details then retained and maintained thereafter.
- 14) The development must comply with regulation 36 paragraph 2(b) of the Building Regulations (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). The dwelling hereby permitted shall not be first occupied until a copy of a wholesome water consumption calculation notice to this effect (described at regulation 37(1) of the Building Regulations 2010 (as amended)) has been submitted to and approved in writing by the local planning authority.
- 15) The rear first floor flat roof in the dwelling hereby permitted shall not be used as a roof terrace or balcony or similar, including for any incidental or ancillary domestic amenity purpose.