



Appeal Decision

Site visit made on 19 June 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/Y3615/W/23/3333605

Tangley Lea, New Road, Chilworth, Surrey GU4 8LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Tom Patton of Patton Architecture + Development Ltd against the decision of Guildford Borough Council.
 - The application Ref is 22/P/00901.
 - The development proposed is erection of six dwellings, including access and parking following the demolition of the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans have been submitted with this appeal which include a landscaping strip to the southern boundary, and changes to the fenestration at plot 1 to remove windows. An Appeal Statement by the Ecology Co-op has also been submitted which provides information about Ancient Woodlands impacts. These provide further detail on the existing scheme and only minor changes, and the Council has commented on the content of these documents in its evidence. Therefore, in this case, the parties would not be prejudiced in my consideration of these changes. As such the appeal has been assessed on the basis of these amended plans.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the effect on the living conditions of neighbouring occupiers with particular regard to Casa Mia and 155-157 New Road.

Reasons

Character and Appearance

4. This part of Chilworth is characterised by detached and semi detached properties mainly with pitched roofs, set in sizeable plots. In the vicinity of the appeal site, front gardens are generous and generally include prominent soft landscaping and rear gardens are commonly around 11-30m long.
5. The plots of the semi-detached houses at 153-159 New Road are more limited, but there is generous separation between pairs and the adjoining houses with commensurate sized front gardens with soft landscaping, albeit with a density

- of 27 dwellings per hectare (dph). As such, in these regards, they complement the pattern of development in this area.
6. On the southern side of New Road there is limited development to the rear of the frontage properties. The majority, and particularly those within the vicinity of the appeal site, generally comprise detached properties in spacious plots. On the northern side some development to side roads have smaller rear gardens, including St Thomas Close where there are groups at 52 dph and 45 dph. Albeit given their separation from the appeal site by the main road, these do not form its immediate context. There is also a property on New Road with a crown roof, however this is not so common as to form part of the overriding character and appearance of this area.
 7. Therefore, the pattern of development in the vicinity of the appeal site, with properties in sizeable plots with generous front and rear gardens, results in an open and spacious character to this area.
 8. The proposed development comprises 6 dwellings arranged around a central access/parking area. The front of the dwellings include hardstanding for car parking with limited space for soft landscaping. The rear gardens are around 9-10.5m in length and the density is around 37dph.
 9. The arrangement around the access results in a significant amount of the plot being occupied by the driveway and hardstanding for car parking. As such, the individual plots and garden areas appear less spacious than others nearby. There is also limited space for soft landscaping to the front of these properties which further contributes to the markedly developed appearance of the site, at odds with the surrounding character. Although landscaping is proposed to the southern boundary, this would be limited to a specific area and would not overcome these concerns across the wider site. Plots 4 and 5 have a part pitched roof at first floor with a flat roof above the majority of the footprint. There are also areas of crown roof to plots 3 and 6. This results in a bulky appearance to these buildings which harmfully undermines the spacious character of this area.
 10. Overall, this results in an unacceptably cramped and developed appearance to this site, which would be significantly harmful to the open and spacious character of the area. Although, particularly plots 3-6 would not be readily visible in public views, they would be clearly seen from the surrounding residential properties. As such this harm would be experienced.
 11. Therefore, the proposed development would be harmful to the character and appearance of the area. As such it would be contrary to policies D1 of the Guildford Borough Local Plan Strategy and Sites (2019) (LPSS), and D4 of the Guildford Borough Local Plan Development Management Policies (2023) (DMP), Together these seek high quality design that responds to local character and distinctiveness. As well as Policy D8 of the DMP which requires that residential infill development should respond positively to the existing character of the area and integrate well with surrounding development, amongst other things.
 12. Policy H1 of the LPSS mainly relates to the provision of new homes with reference to tenure, types and sizes and Policy D9 of the DMP relates to shopfront design and security. Therefore the policies set out above are more relevant to this main issue.

Living Conditions

13. Plot 6 would result in a 2 storey property 1m from the end of the gardens to 155-157 New Road, and between 13-18m from their ground floor rear elevations. It would span almost the full width of the garden of no. 157. Whilst there would be a pitched roof along this boundary, it would still have a high eaves level with the bulk of the roof visible above this. For these reasons plot 1 would have a serious harmful overbearing effect on these properties.
14. Plot 6 would have a single bathroom window to the side elevation, which could be obscure glazed and fixed shut. As such there would not be a loss of privacy to 155-157 New Road.
15. Plot 1 would be located around 9m from the northern boundary with Casa Mia, a bungalow on the adjoining plot, and 15m from the property. The elevation facing this direction would include a bathroom window. This could be conditioned to be obscure glazed and fixed shut which would prevent any views towards the neighbours. There are also two bedrooms on this elevation, but these are both served by alternative windows and therefore would continue to receive suitable outlook with their only windows to the side elevations. Views from ground floor would be obscured by boundary treatment. Therefore, there would not be a loss of privacy to this property. Plot one would be separated from Casa Mia by the existing house's rear garden as well as the access road to the proposed dwellings. It would not span the full width of the rear garden. As such it would not be unacceptably overbearing.
16. I have not found harm to the privacy of 155-157 New Road, nor to the living conditions of Casa Mia. However, the lack of harm in these regards is neutral and therefore would not outweigh the harm with regard to the overbearing effect on the occupiers of 155-157 New Road.
17. Therefore, the proposed development would have a serious harmful effect on the living conditions of neighbouring occupiers with particular regard to 155-157 New Road. As such, it would be contrary to policies D5 and D8 of the DMP. Together these require that development avoids unacceptable impacts on the amenity of neighbouring residents, including with regard to overbearing effects.

Other Matters

18. On the basis of the Appeal Statement by the Ecology Co-op, the Council have confirmed that this overcomes the reason for refusal relating to the effect on the ancient woodland. I do not have substantive evidence that would lead me to conclude otherwise.
19. The proposed development would increase the amount of housing on this site and would provide the social and economic benefits associated with the provision of 6 new dwellings. However, given the scale of the development, the benefits in this regard are modest. As such they would not overcome the significant harm to the character and appearance of the area along with the serious harm to the living conditions of nearby occupiers, contrary to the development plan.

Conclusion

20. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR