



Appeal Decision

Site visit made on 9 July 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2024

Appeal Ref: APP/Y3615/W/23/3333200

Middleton, White Lane, Ash Green, Guildford, Surrey GU12 6HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Runnymede Homes Limited against Guildford Borough Council.
 - The application Ref is 23/P/00837.
 - The development proposed is described as the erection of 9 houses following demolition of existing house.
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Decision

1. The appeal is dismissed and planning permission for the erection of 9 houses following demolition of existing house is refused.

Preliminary Matters and Main Issues

2. On the 30 July 2024, the Government published a Written Ministerial Statement and a list of proposed changes to the National Planning Policy Framework ("the Framework") for consultation. Some of these proposals centre on further boosting the delivery of housing. However, for the time being the exact details remain in draft and may be subject to change. They therefore carry limited weight in my consideration of this appeal.
3. Following the submission of the appeal against non-determination, the Council failed to provide a Statement of Case within the deadlines. I note from the appellant's evidence and issues raised by interested parties that the appeal property is within a designated open space. Therefore, taking the above into account, along with my observations on site, I consider the main issue to be, the effect of the proposed development on designated open space and the character and appearance of the area including trees.

Reasons

4. The appeal site comprises open land laid to grass as well as woodland. Paragraph 4.6.62 of the Guildford Borough Local Plan: Strategy and Sites 2019 ("LPSS") explains that open space, for the purpose of Policy ID4, is defined as all types of open land, both public and private that has amenity value.
5. Paragraph 4.6.43 of the LPSS identifies open space as particularly important due to the positive contribution it makes to the character of settlements. The LPSS states that cumulatively these spaces form a valued asset of strategic importance that should be protected as a strategic priority.

6. The existing open space is in private ownership and public access is limited. However, the site forms part of a wider open space and is visible from some parts of adjoining private land, particularly land to the north as well as glimpsed views between buildings from public vantage points on White Lane. This existing section of open space contributes cumulatively toward a wider character of broadly open space behind the dwellings in this part of White Lane and this open space generates a positive sense of visual openness with amenity value.
7. It is alleged that trees may have been felled across the site previously impacting the value of the open space. However, the existing space remains undeveloped, and this makes a valuable contribution to the sense of openness. This value is derived from both the site in isolation and the contribution it makes to the wider designated open space.
8. Policy ID4(8) of the LPSS is clear that open space will be protected from development in accordance with the Framework. Paragraph 103 of the Framework states that existing open space should not be built on unless it is clearly shown to be surplus to requirements or any loss resulting from a proposal would be replaced by equivalent or better provision.
9. The proposed development would demolish the existing dwelling, Middleton, opening views of the wider open space when experienced from White Lane. A considerable amount of hardstanding would be laid within the site with views of two storey dwellings occupying the site on a deeper level within and across the designated open space.
10. The appellant's Landscape Report suggests that the proposed road would be planted with a single line of trees to help to screen the development. While landscaping would be retained and enhanced, the development would still be visible from White Lane and the hardstanding and buildings beyond would erode the visual value of the open space when viewed from this public vantage point. This would not amount to equivalent or better provision of the existing designated open space.
11. The appellant's Landscape Report also suggests the appeal site would have limited visual amenity in the wider landscape setting. However, as I have found above, views are possible from White Lane as well as adjoining land in private ownership. For the same reasons, value of the open space would be eroded from these other viewpoints and there is limited evidence before me to suggest the visual value of designated open space is defined by public views only. Even if I am wrong on this point, it has not been robustly shown that the proposed development would deliver equivalent or better open space provision or that the existing open space would be clearly surplus to requirements.
12. I have considered another appeal decision¹ where the Inspector found development within a designated open space to be acceptable. However, that case is dissimilar to the appeal before me as it was a different open space and it fundamentally improved how that open space functioned. The current appeal before me does not offer better provision and this other appeal decision, therefore, does not alter my overall findings.

¹ Appeal Ref APP/Y3615/W/21/3269208

13. Reference is also made to earlier Council decisions², however there are limited details before me surrounding the planning context of these developments. In the absence of such information, it is difficult to make any meaningful comparison between these cases and the appeal before me. This therefore has limited bearing on my findings.
14. I have also considered the appellant's reference to other Council decisions³. While the details of these are not before me and it is difficult to make comparison, they were not found to unacceptably harm the site's visual amenity. This was a matter of planning judgment and as I have found in the appeal scheme before me, the proposed development would unacceptably harm the character of the open space for the reasons I have set out.
15. The appeal is supported by a Tree Survey and Arboricultural Implications Assessment ("AIA"). The AIA concludes that the proposed development does not require any significant tree removals with safety coppicing of six dying Ash trees and some tree surgery works also recommended. A Tree Protection Plan is provided which identifies root protection areas, crown spreads and tree protection measures. This shows that, subject to condition, trees, including the ancient woodland, could be appropriately protected during the demolition and construction works. Additional landscaping could also be secured by way of condition.
16. The character of the area is mixed, as far as materials and detailed design is concerned. This part of White Lane comprises lower scaled dwellings with accommodation in the roof space, however, there are also examples of two storey dwellings within the local and wider street scene. The design, layout, and appearance of the proposed dwellings would broadly integrate with this established streetscape. However, variation in materials and dwelling detailing is important. If this appeal is acceptable in all other regards, a condition to agree surface materials can be imposed to ensure the diversity of character flows through the proposed development.
17. While I have found that the development would successfully integrate into the existing built form, subject to conditions, the proposed development would nonetheless have a negative effect on the designated open space and the overall character and appearance of the area. The proposal would unacceptably conflict with the relevant provisions of Policy ID4 of the LPSS, Policy ID5 of the Guildford Borough Local Plan: Development Management Policies and the Framework. These, amongst other things, seek to protect designated open space and the contribution it makes to the character of settlements.

Other Matters

18. The proposed dwellings would be well separated from existing properties to ensure that no adverse impacts would occur to neighbouring living conditions. Pollution from the construction phase would also be managed by a suitable Construction Environmental Management Plan which could be agreed by condition. The appellant's Transport Statement forecasts that the appeal site would generate an additional 44 vehicle movements over a typical day. The Council's Environmental Health Officer did not object to the proposed development subject to conditions, and there is no documented evidence

² Refs 12/P/01973 and 14/P/01870

³ Refs 19/P/00725 and 21/P/00658

before me to suggest the proposed development would create unacceptable noise, light, or other pollution in this regard.

19. New residential development is required to deliver a wide choice of homes to meet a range of accommodation needs. The appellant has provided details from the Strategic Housing Market Assessment (SHMA), and this sets out that housing need is greatest for 3-bedroom dwellings. However, the SHMA also identifies a need for 2 and 4-bedroom dwellings with the least need for 1-bedroom dwellings. The appeal proposal would deliver a mix of 3 x 2-bedroom, 3 x 3-bedroom and 3 x 4-bedroom dwellings and this would be broadly acceptable.
20. The appeal proposal makes provision for two parking spaces per dwelling as well as three visitor parking spaces. The appellant has submitted evidence to show servicing, delivery, pumping appliance, and refuse vehicles would be able to access and leave the site. Cycle parking and electric vehicle charging details could be secured by condition if this proposed development was acceptable in all other regards. The County Highway Authority also raised no objections, subject to conditions, having assessed the application on safety, capacity, and policy grounds. I have no compelling reason in evidence to come to another view.
21. The Surrey Wildlife Trust have considered the application and make recommendations before permission can be granted. These include the securing of contributions to Suitable Alternative Natural Greenspace provision and Strategic Access Management and Monitoring payment; and surveys for bat presence in the existing building, ecological consideration of the likely impacts on great crested newts, details of the ancient woodland buffer and clear demonstration there would be no net loss of biodiversity. However, given my overall findings, there is no need to consider these matters further.
22. There is local concern that utilities, schools, public transport providers and healthcare would be inadequate to serve the new residents. Inevitably these new residents will need medical care from time to time and some families could have school age children. Furthermore, new housing would place additional demand on existing utilities and services. However, there have been no representations from the relevant bodies objecting to the scheme or indicating an issue with capacity.
23. Matters concerning waste and recycling can be agreed under a Site Waste Management Plan via condition and there is limited evidence before me to suggest the existing, to be demolished, dwelling is protected under planning policy. There is also no documented evidence before me to suggest the proposed dwellings would not meet Nationally Described Space Standards or fail to provide adequate light for future occupiers.
24. The proposed gardens for future occupiers would need to show that their size reflects the number of occupants they would serve. These spaces should be sufficient to accommodate furniture, external storage including refuse and recycling bins, areas to dry washing, circulation space, areas for planting and, for family homes, an area for children to play in. While some of the proposed gardens such as Plot 9 appear to have constrained gardens, based on the evidence before me, these appear to be at the outer limits of acceptability.

25. The appellant has submitted a Surface Water Drainage Statement which shows that the proposed development would decrease the permeable area on site by 17.1%. A surface water drainage strategy is proposed, and this would collect the majority of surface water run-off via permeable paving. The appellant concludes that the proposed development would be low risk regarding any flood risk and there is limited documented evidence before me to come to another view.
26. Development proposals should minimise light spillage. This includes impacts on amenity, and the natural environment. The appellant confirms that the proposed development would incorporate low key lighting such as cut off bollards or ground level lights to avoid light pollution. Additionally, if this proposed development is acceptable in all other regards, a condition to agree a sensitive lighting strategy could be imposed.

Planning Balance

27. The appeal proposals would add nine dwellings in total to housing stock on a small windfall site within an existing designated settlement. It would be an efficient use of land and there would be some social benefits and economic benefits both from the construction phase and the future occupiers.
28. There would also be sustainability measures incorporated which would include low environmental impact materials, construction, water use, lighting, waste / recycling, and renewable energy technology, amongst other things. However, given the national policy seeks to use natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for development to be designed to high environmental standards.
29. Given the modest quantum of housing development proposed, I ascribe moderate weight to these benefits when considered cumulatively.
30. I have, however, found unacceptable harm arises from the proposed appeal's impact on the designated open space and the overall character and appearance of the area. I attach significant weight to this harm.
31. Accordingly, the material considerations in this case do not indicate the proposal should be determined other than in accordance with the development plan when taken as a whole. The appeal scheme would not, therefore, benefit from the presumption in favour of sustainable development.
32. The appellant has expressed concerns regarding the time taken to reach a decision by the Council during the application process. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposals.

Conclusion

33. For the reasons given above the appeal should be dismissed.

N Praine

INSPECTOR