



Appeal Decision

Site visit made on 30 July 2024

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/Y3615/C/23/3322787

9 Old Cross Tree Way, Ash Green, Guildford GU12 6HT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr David Pearson against an enforcement notice issued by Guildford Borough Council.
 - The notice was issued on 26 April 2023.
 - The breach of planning control as alleged in the notice is operational development consisting of the erection of a car port and associated scaffolding frame.
 - The requirements of the notice are to:
 - (i) Remove the car port building situated in the approximate position marked with an X on the plan attached to this notice.
 - (ii) Remove the scaffolding surrounding the car port situated in the approximate position marked with an X on the plan attached to this notice and also shown in the photograph attached to this notice.
 - (iii) Remove all material resulting from compliance with steps (i) and (ii).
 - The period for compliance with the requirements is: 2 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. The Council's reasons for issuing the enforcement notice refer to 'saved' Policies G1 and G5 of the Guildford Local Plan (2003). That Plan was replaced by The Guildford Local Plan: Development Management Policies which was adopted in March 2023 (LPDMP). I have therefore dealt with the appeal on the basis of the up to date policies in the adopted plan.

Ground (a) and the deemed planning application

Main Issue

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

Reasons

4. The appeal property is a detached chalet bungalow sat within an irregular shaped plot, which includes a narrow strip of garden land running parallel to

the highway to the north of the property. The open sided car port has been erected immediately adjacent to the driveway on this narrow strip of land and comprises eight timber posts with red brick plinths supporting a timber roof frame. The development appears to be partially completed with scaffolding still present, and a previous retrospective planning application¹ detailing a proposed dual pitched tile roof.

5. The appeal site is located on a residential street which consists of predominately detached bungalows and chalet bungalows. They are a distinct form of development, consistent in their character and appearance and facing over their gardens that are largely free from obstruction, other than lawns, planting, and driveways. There is a clear building line formed by the properties along Old Cross Tree Way, which lends a distinctive character and appearance to the immediate area around the appeal site.
6. The car port is sited significantly in front of the established building line. The development occupies a prominent location and, despite being partially screened by an existing hedge, it remains visible from various points along this part of Old Cross Tree Way. As a result, the car port appears at odds with the prevailing character of the area.
7. There are no other car ports, garages, or other substantial structures to the front of nearby properties, and as I have outlined above, there is a clear and established building line. Consequently, I consider that this is an incongruous position for the car port given the otherwise open aspect to the frontage of dwellings along Old Cross Tree Way.
8. The appellant has drawn attention to examples of other car ports and outbuildings that are located forward of their respective host properties. None of these examples though are located on Old Cross Tree Way and many are located a significant distance away in Ash. One example provided is at a property on nearby Ash Green Lane East, however it does not form part of the street scene relating to the appeal property. As such, these are not directly comparable to the appeal development and they do not lend me to reach a different conclusion.
9. For the reasons given above, I conclude that the development unacceptably harms the character and appearance of the area. It is therefore contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (adopted April 2019), Policy D4 of the LPDMP, and guidance contained within the Council's Residential Extensions and Alterations Supplementary Planning Document (2018). Collectively, and amongst other things, these policies require a high-quality design that responds to and reflects the local character.

Other Matters

10. I note that there were no objections from local residents. However, the lack of an objection is not necessarily indicative of a lack of harm.
11. I have taken into consideration the appellant's willingness to provide additional landscaping and planting should planning permission be granted. However, this would not mitigate the harm I have identified to the character and appearance of the area.

¹ Council Ref: 22/P/00275

Conclusion

12. For the reasons given above, I conclude that the development is contrary to the development plan when read as a whole, and material considerations do not indicate that a decision should be taken other than in accordance with that plan. Accordingly, the appeal does not succeed. I have upheld the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

David Jones

INSPECTOR