



Appeal Decision

Site visit made on 28 January 2025

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2025

Appeal Ref: APP/Y3615/W/24/3346747

Tattie Bogle, Send Hill, Send, Surrey GU23 7HR

- 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 and Mrs Susan and Olivier Hautefeuille against the decision of Guildford Borough Council.
 - The application Ref is 23/P/01231.
 - The development proposed is the demolition of existing dwelling and construction of replacement dwelling (carbon negative), landscaped frontage, garage and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and construction of replacement dwelling (carbon negative), landscaped frontage, garage and parking, at Tattie Bogle, Send Hill, Send, Surrey GU23 7HR, in accordance with the terms of the application, Ref 23/P/01231, subject to the conditions in the attached schedule.

Preliminary Matters

2. In support of the appeal additional information regarding the anticipated emissions rates and energy usage of the proposed development has been submitted. This did not form part of the planning application. The Council and interested parties have had the opportunity to comment on this information at the appeal stage. No parties would therefore be prejudiced by my decision to accept this additional information.
3. Within the appeal submission, a neighbouring property is variously referred to as Ugie Lodge and Lomond Lodge. For clarity, within this decision letter that property is cited as Lomond Lodge.

Main Issue

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

Reasons

5. In common with many of the other nearby residential properties on both sides of the road at Send Hill (the road), the appeal site contains a detached dwelling within a fairly large plot. While there is variety in the height, design, form, and appearance of the dwellings along the road, there is a pleasant and relatively regular rhythm to these properties.

6. Despite it having a fairly steeply pitched gable roof form and a ridge that would be a little taller than that of the neighbouring dwellings, when travelling along the road in either direction towards the appeal site, the proposed dwelling would not be unduly prominent. In part, this is because the front of the dwelling would conform with the general alignment of other nearby properties. It is also due to its relatively simple form; the dark colour of the cladding; and because its overall massing would not be dissimilar to that of other nearby dwellings.
7. Furthermore, although its design detailing and proposed external facing materials mean that the dwelling would not have a traditional appearance, it would not be incongruous with other development on the road, which is of varying designs and forms, and which incorporate a range of external materials.
8. For these reasons, the development would not cause harm to the character and appearance of the area. Consequently, it would comply with policy D1 of the Guildford Borough - Guildford borough Local Plan: strategy and sites 2015-2034 – adopted 2019 (the Local Plan SS), and, policy D4 of the Guildford Borough - Guildford Borough Local Plan: Development Management Policies – adopted 2023 (the Local Plan DMP). It would also comply with policy Send 1 of the Send Neighbourhood Development Plan 2019 – 2034 – Adopted Version – dated May 2021. Collectively, and amongst other things, these policies require new development to be of a high-quality design and to promote and reinforce local distinctiveness.

Other Matters

9. The appeal site is located within the 400m to 5km zone of influence of the Thames Basin Heaths Special Protection Area (SPA). The importance of the SPA stems from its' supporting internationally important breeding populations of woodlark, nightjar, and Dartford warbler. All of which, nest on or near the ground and are susceptible to predation and disturbance.
10. The Council's Thames Basin Heaths Special Protection Area Avoidance Strategy¹, which has been endorsed by Natural England, indicates that the SPA has historically been subject to high development pressure, and that the breeding success of all three bird species is vulnerable to impacts from surrounding urban pressures, and recreational disturbance.
11. However, the development would not result in any net increase in dwellings on the site. Therefore, there would be no increased activities associated with the scheme that would create additional pressures on the SPA. Consequently, both alone and in combination with other plans or projects, the development would not have a significant effect on the internationally important features of the SPA.
12. I do not doubt that the occupiers of Lomond Lodge have a good outlook from within their sizable rear garden and from those rooms within the dwelling with clear glazed rear garden-facing windows. The proposed house would project beyond the rear elevation of Lomond Lodge, and it would be visible from this neighbouring property. However, it would be set back from and have a roof that slopes up and away from the shared boundary between the properties, and, its eaves height would not be excessive. As such, the occupiers of Lomond Lodge would retain a good

¹ Guildford Borough Council – Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 Supplementary Planning Document (factually updated 2021 and 2024)

outlook from their property. Consequently, the development would not cause harm to the living conditions of the occupiers of Lomond Lodge, with particular regard to outlook.

Conditions

13. The statutory condition which specifies the time-period for the implementation of the permission is imposed. For clarity, a plans condition is also added which identifies the plans to which the permission relates.
14. A materials condition is required. This is to protect the character and appearance of the area and to minimise the environmental impact of the development. For this latter reason, it is also necessary to impose a condition related to water usage.
15. To protect the living conditions of the occupiers of neighbouring dwellings, with particular regard to noise, a condition is needed regarding the air source heat pump.
16. The development includes the demolition of a building. As such, and for resource efficiency purposes, a waste management condition is necessary. This is required to be a pre-commencement condition, because waste would be generated as soon as demolition commences on site.
17. To ensure that the development would provide suitable protection and enhancement for biodiversity, a related condition is required. This must be a pre-commencement condition as site clearance and demolition have the potential to cause harm to on-site biodiversity.
18. To protect highway safety, a condition is imposed in respect of car parking and vehicular access. To promote sustainable transport, a condition is also needed to secure the provision and retention of covered bicycle storage on the site.
19. Based on the submitted SAP report and BREL compliance document, the development could meet both the target emission rate and the air permeability standards set out within Part L of the Building Regulations. While policy D16 of the Local Plan DMP encourages development proposals to improve upon these standards, such improvement is not a requirement of this policy. Conditions requiring higher standards in respect of these matters are not therefore necessary to make the development acceptable. Furthermore, there is no need for conditions requiring Building Regulations Standards to be met, as to do so would duplicate some of the requirements of another regulatory regime.

Conclusion

20. For the reasons given above, and having regard to the development plan as a whole and any other material considerations, I conclude that this appeal should be allowed.

V Simpson

INSPECTOR

Cont.

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 2023/PL1 Rev D, 2023/PL2, 2023/PL3 Rev A, WA0E Rev B, and WA0P Rev C.
- 3) No development shall commence until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall indicate how waste generated from the development would be managed in accordance with the waste hierarchy set out within the amplification of policy D2 of the Guildford Borough - Guildford borough Local Plan: strategy and sites 2015-2034 – adopted 2019. The development shall subsequently be undertaken in accordance with the approved SWMP.
- 4) No development shall commence, and no site clearance in preparation for the development hereby permitted shall be undertaken until a biodiversity mitigation and enhancement strategy and method statement has been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be undertaken in accordance with the approved scheme. After the completion of development, the approved biodiversity enhancement measures shall be retained.
- 5) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 6) The dwelling hereby permitted shall not be occupied until details of the air source heat pump and any associated sound-insulating materials, as well as details for the maintenance of the air source heat pump, have been submitted to and approved in writing by the Local Planning Authority. Subsequently, and also before the dwelling hereby permitted is occupied, the air source heat pump shall be installed in accordance with the approved details. Thereafter, the air source heat pump shall be maintained in accordance with the approved details.
- 7) The dwelling hereby permitted shall not be occupied until the onsite driveway and the access between the site and Send Hill has been constructed in accordance with the approved plans. Thereafter, the access and driveway shall be retained for access and parking purposes.
- 8) The dwelling hereby permitted shall not be occupied until a secure covered bicycle parking facility has been provided on the site, in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter this facility shall be retained for the parking of bicycle/s.
- 9) The dwelling hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

End of conditions