



Appeal Decision

Site visit made on 19 February 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/Y3615/W/24/3348043

14 Pilgrims View, Ash, Surrey GU12 6HU

- 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 Jake Ball against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00206.
 - The development proposed is the demolition of existing detached double garage and erection of a 1-bedroom detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that there was a minor change between the description of development included on the application form and that on the Council's decision notice. As there is no material difference between the two, I have used the description included on the application form.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the existing residents of 14 and 16 Old Cross Tree Way and the occupants of dwellings facing the appeal site along Pilgrims View;
 - Whether or not adequate arrangements have been made as part of the proposal to ensure that the proposed development does not have a significant effect on the Thames Basin Heaths Special Protection Area.

Reasons

Character and appearance

4. The appeal site forms part of the garden of 14 Pilgrims View (No 14) which is an existing bungalow in a cul-de-sac within an established residential area. Properties within the cul-de-sac comprise bungalows of the same period. The other bungalows are set back on their plots with generous front gardens, some of which have been used as parking areas, but others have a mix of parking areas, front lawns and vegetation. The arrangement of these bungalows creates a sense of

spaciousness which makes a positive contribution to the character and appearance of the area.

5. No 14, is arranged with a different orientation to other bungalows in the cul-de-sac and has a generous garden to the west as well as a comfortable gravelled parking area to the east. Although there is a double garage on the plot, this appears subservient to the main house and fits comfortably into the street scene and consequently overall No 14 also creates a strong sense of spaciousness at this prominent site within the cul-de-sac. This is an important positive attribute of the character and appearance of the locality, and it complements the open and spacious character of the area.
6. The proposed development would result in the area of garden to the west of the existing house being occupied by a single storey bungalow with a significant footprint and mass that would be materially larger than the double garage it would replace. Moreover, the front elevation with its front door would be closer to the front of the plot than any other property within the cul-de-sac. Overall, the proposal would harmfully erode the sense of spaciousness in this prominent location. Although an existing hedge would be retained and further planting has been proposed, the incongruous development at odds with its surroundings would still be apparent and so the existing and proposed planting would not adequately ameliorate the harm.
7. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. Consequently, the proposal would conflict with Policies D1, D4 and D8 of Guildford Borough Local Plan : Development Management Policies adopted 22 March 2023 (LPDMP) which among other things seek to ensure development reflects the distinct local character and responds to and reinforces locally distinct patterns of development, is of a proportionate and appropriate scale to its context, respects the character of the locality, responds positively to the prevailing character and integrates well with surrounding development.
8. The proposal would also not accord with the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character.

Living Conditions

9. As set out above, the proposal would be at odds with the existing character and appearance of the area. However given the proposed architectural design, the position of windows, the proposed height and the proposed separation distances the proposal would not have a harmful impact on the living conditions of existing residents of the properties that face the appeal site along Pilgrims Way.
10. As outlined above, the proposed development would replace an existing double garage. Nos 14 and 16 Old Cross Tree Way (Nos 14 & 16 OCTW) have shallow rear gardens. The double garage is located behind the garden areas of Nos 14 & 16 OCTW. According to the appellant this has an existing height of about 3 metres. The height of the proposed building would be 4.574 metres and would have a gable end facing towards the rear of Nos 14 & 16 OCTW which would be set back from the common boundaries of these neighbouring properties by only about one metre. To my mind the introduction of the proposed building with

that height so close to the common boundaries would appear overbearing, particularly from the rear facing windows and from the rear gardens of these properties. This would unacceptably harm the living conditions of the residents of these properties.

11. Moreover, notwithstanding the existing garage, compared to No 14 OCTW, No 16 OCTW has a more open outlook to the rear over the existing garden of No 14. The proposal would introduce a building into an existing area of undeveloped garden which would be set back from the common boundary with No 16 OCTW by only about one metre. This part of the proposed dwelling would have a ridge height of just over 4 metres. Such an arrangement would appear overbearing when viewed from the rear facing windows and the rear garden of this neighbouring property which would result in additional unacceptable harm to the living conditions of the residents of No 16 OCTW.
12. I note that neighbouring residents, including the occupants of Nos 14 & 16 OCTW have not objected to the proposal. However, the lack of an objection does not justify harmful development at the appeal site.
13. I therefore conclude that the proposed development would unacceptably harm the living condition of the existing residents of Nos 14 & 16 OCTW. Consequently, the proposal would conflict with Policies D5 and D8 of the LPDMP which among other things seek to ensure development proposals avoid having an unacceptable impact on the amenity of neighbouring residents and the living environment of existing residential properties including in terms of visual dominance and overbearing effects. The proposed development would also be at odds with the Framework which seeks to create places with a high standard of amenity for existing users.

Thames Basin Heaths Special Protection Area

14. The appeal site is located within the 400m – 5km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA) where new residential development has the potential to significantly adversely impact on the integrity of the TBHSPA through increased dog walking and an increase in general recreational use. The Council set out that a framework has been developed by which the appellant could mitigate the impact by providing contributions for suitable alternative natural green space (SANG) and for strategic access management and monitoring (SAMB) in the amounts of £4579.70 and £610.03 respectively which should be secured by a planning obligation.
15. The appellant does not appear to disagree with this approach and have set out in their appeal statement that they would enter into an agreement in-order to secure the contributions. Having considered the available evidence, I agree that the proposal would likely have a significant effect on the TBHSPA. Consequently, the contributions are necessary to make the development acceptable in planning terms, directly relate to the proposed development and are fairly and reasonably related in scale and kind to the proposed development.
16. However, no executed planning obligation has been provided and I do not consider that it would be appropriate to address the need for a contribution by imposing a condition. It follows that adequate provision has not been made for these necessary contributions.

17. I therefore conclude that adequate arrangements have not been made as part of the proposal to ensure that the proposed development does not have a significant effect on the Thames Basin Heaths Special Protection Area. Consequently, the proposal conflicts with Policy P6 of the LPDMP and Policy P5 of the Guildford Borough Local Plan: Strategy and Sites adopted 25 April 2019 which among other things seek to protect important habitats and species and that planning permission will only be granted for development proposals if it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the TBHSPA.

Other Matters

18. I have taken account of the fact that the proposal would provide a one-bedroom bungalow which is in demand within the Borough and would add to the supply of housing in a sustainable location in accordance with the Framework. However, any benefits associated with the proposal are clearly outweighed by the harms I have identified above. Moreover, the fact that there are no objections in relation to highways, environmental health, trees and vegetation matters or from neighbouring residents are neutral factors in the determination of the appeal.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

S Rawle

INSPECTOR

