



Appeal Decision

Site visit made on 14 April 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Appeal Ref: APP/Y3615/W/24/3351682

Chequers, The Street, West Clandon, Surrey GU4 7TG

- 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 Shaun Bissix against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00265.
 - The development proposed is the construction of two semi detached, 2 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, and the revised version has been taken into account in this decision.
3. The appellant has submitted a signed Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 which provides for financial contributions towards the provision of Suitable Alternative Natural Green Space (SANG) and towards the Strategic Access Management and Monitoring (SAMM) for the units proposed. I shall return to this matter later in my decision.
4. The appellant has provided a Sustainability & Energy Statement with this appeal. The appeal procedural guidance¹ makes it clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. In this case, the additional information was submitted in response to the Council's second reason for refusal and I am satisfied that it would not result in a fundamental change to the application.
5. The parties have had the opportunity to comment on these details as a part of the appeal process. As such, I find that no prejudice would occur were I to consider the information in my determination of the appeal. I have proceeded on this basis.

¹ Procedural Guide: Planning Appeals – England (2025)

Main Issues

6. The main issues are:

- whether acceptable living conditions would be created for the future occupants of plot 2 and of Chequers, with particular regard to privacy, outlook and parking arrangements;
- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on sustainability.

Reasons

Living conditions

Privacy

7. The donor dwelling, Chequers, has a number of ground floor and first-floor windows that would face towards plot 2. The evidence indicates that these windows serve habitable rooms.
8. The first-floor windows on Chequers would look down onto the side elevation of plot 2 at a very close distance. The level of privacy of the master bedroom in plot 2 would therefore be compromised, due to the closeness of the two buildings and the position of their windows.
9. The master bedroom window on plot 2 would face towards Chequers. Plot 2 is a bungalow, so this window would be at ground floor level. Were I minded to allow this appeal, the provision of a suitable boundary treatment, such as a means of enclosing and landscaping, could be secured by planning condition, in order to prevent mutual overlooking between the ground floor windows on both properties. However, this would not overcome the overlooking that would arise from the first-floor windows, since any boundary planting would take a long time to grow to such a height that would effectively mitigate for the overlooking caused by the first floor windows on Chequers.

Outlook

10. Given the proximity to plot 2, the two-storey height, bulk and mass of Chequers would loom large and appear conspicuous in views from the side bedroom window on plot 2. Consequently, the proposal would create a poor outlook for the future residents of this plot.

Parking arrangements

11. The bungalows would be provided with a common frontage. While this would rely on both houses keeping the frontage free from obstructions, such an arrangement is not uncommon and there is no compelling evidence before me to demonstrate that the proposed layout would be unneighbourly. As such, the proposal would be acceptable in this regard.
12. In light of the above considerations, I am satisfied that the proposal would have an acceptable effect on the occupants of Chequers with regard to privacy and in terms of parking arrangements for the future occupants of the proposed development.

However, the proposal would fail to provide acceptable living conditions for future occupants of plot 2 with regard to privacy and outlook. Accordingly, the proposed development would conflict with Policies D5 and D8 of the Guildford Borough Local Plan: Development Management Policies 2023 (DMP), where these policies seek to preclude development resulting in unacceptable living conditions.

Character and appearance

13. Chequers is a detached two storey dwelling that lies within a sizeable plot. The dwelling is set back from The Street and its boundary with this road comprises of a close boarded fence as well as trees and other vegetation.
14. The Street, in this location, is largely characterised by detached and semi-detached dwellings of varying designs accommodated on plots of different sizes and shapes. Although there are instances where the dwellings within The Street do not have their entrance facing the road, such elevations are normally active. The dwellings have various setbacks from the road, typically with soft-landscaped gardens and parking to the road frontage. This provides the road with a verdant and pleasant character.
15. The proposed pair of semi-detached bungalows would be sited between the host dwelling and the road, so their plots would not be particularly large. However, the size of the plots would be commensurate to the size of the bungalows and the footprint coverage would not be dissimilar to that of neighbouring properties. Given the varied plots in the vicinity, the plots would not appear at odds with the surrounding pattern of development. At its closest point, the distance from the bungalows to The Street would not be dissimilar to that of Hold Cottage and Rose Cottage. As such, the proposal would not appear cramped in its receiving context and would therefore reflect the local character and context.
16. Despite the diverse architectural designs observed in the street scene, these properties generally have strong active frontages which address The Street. The proposal would address the access driveway to the north, so it would turn its side elevation onto The Street. While this elevation would have limited openings to provide visual interest, the evidence indicates that the existing vegetation that marks the site's boundary with The Street would be mostly retained and replaced where removed. Further, the bungalows would be single storey and would therefore nestle behind the vegetation and fencing along the road boundary. This would ensure that the visual effects from the proposal would be largely contained to the appeal site itself.
17. The proposal would therefore have an acceptable effect on the character and appearance of the area. It would accord with Policy D1 of the Guildford borough Local Plan: strategy and sites 2015 – 2034 (2019) (LPSS) and with DMP Policy D8, which among other things, require development to have regard to the existing form and appearance of existing buildings and achieve high quality design that responds to distinctive local character.

Sustainability

18. The submitted Sustainability & Energy Statement (SES) assessed the energy performance of the proposal and provides SAP calculations for one dwelling, which is representative of both houses given their broadly similar scale and design. The SAP calculations have been prepared using Building Regulations Part L (2021) for

representative units and the SES demonstrates that the proposal would achieve compliance with this.

19. The SES followed the lean / clean / green energy hierarchy and includes an energy demand assessment showing how selected energy efficiency, low-carbon and renewable energy measures have been considered and incorporated into the development. Following a fabric first approach, the SES advises that based on the fabric U-values to ground floors, external walls, roofs, windows and external doors, along with the inclusion of photovoltaic panels and air source heat pumps, there would be a 51.24% reduction in predicted carbon emissions.
20. The SES advises that the passive design measures proposed include allowing for natural ventilation and exposed thermal mass coupled with high levels of insulation, air tightness and the control of solar gain. The proposed houses have been designed with multiple aspects, and the orientation and the size of the windows would maximise the amount of natural daylight and therefore reduce the demand for artificial lighting.
21. There is no evidence before me to contradict the findings of this report and, as such, the weight of the evidence leans in the direction of the appellant. On this basis, the proposal would not have a harmful effect on sustainability, in accordance with LPSS Policy D2 and with DMP Policies D14 and D16. Amongst other things these policies seek to achieve sustainable design and construction, require development proposals to demonstrate how they have followed a 'fabric first' approach and that embodied carbon emissions have been minimised, and require new buildings to achieve an emission rate no higher than the relevant Target Emission Rate (TER) set out in the Building Regulations (Part L).

Other Matters

22. While some of the cited examples may have separation distances comparable with that between Chequers and plot 2, I do not have full details of the circumstances that led to them being accepted. Consequently, I cannot conclude that they provide a direct enough parallel to the appeal proposal. Such examples would not therefore justify the proposed development.
23. The appeal site lies within the zone of influence between 400m and 5km of the Thames Basin Heath Special Protection Area (SPA). Within the borough of Guildford, the SPA comprises the Ash to Brookwood Heaths, Whitmoor Common, and Ockham and Wisley Commons.
24. The SPA provides a habitat for three internationally important bird species such as woodlark, nightjar and Dartford warbler. These birds nest on or near the ground and, as a result, are very susceptible to predation by cats, rats and crows, and to disturbance from informal recreational use, especially walking and dog walking. The conservation objectives for the SPA include the conservation of biodiversity in all its functions which includes habitat protection, restoration and enhancement of the SPA.
25. The Conservation of Habitats and Species Regulations 2017 (as amended) requires that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate

assessment (AA) of the project's implications in view of the relevant conservation objectives.

26. As such, I cannot rule out, in the first instance, that the proposed development would cause likely significant effects on the integrity of the SPA through increased residential use and associated recreation disturbance. Had I been in a position to otherwise allow this appeal, it would have been necessary to consider this matter within a separate AA. As the appeal is being dismissed for other reasons, I have not done so.

Planning Balance and Conclusion

27. The proposal would meet the Framework's objectives of boosting the supply of housing and would deliver two smaller two-bedroom dwellings for younger people or those looking to downsize that would make a positive contribution to the housing mix within the village. The site is a small one, so the development would be built out relatively quickly. However, given the small number of dwellings proposed, these benefits attract limited weight in favour of the appeal proposal and do not outweigh the harm that I have identified in relation to the living conditions of the future occupants of plot 2 with regard to privacy and outlook.
28. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR