



Appeal Decision

Site visit made on 5 June 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th June 2025

Appeal Ref: APP/Y3615/W/24/3356881

18 Trodds Lane, Guildford, Surrey GU1 2XR

- 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 Webb of Ashgrove Homes Ltd and Igloo Care Ltd against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00492.
 - The development proposed is described as 'demolition of two storey dwellinghouse and associated buildings and erection of six detached two storey dwellings, five with rooms in roof, parking and landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal a Unilateral Undertaking has been submitted, dated 22 January 2025 (the UU). This has been taken into account in the determination of the appeal.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) effects on designated habitat sites;
 - iii) effects on the living conditions of neighbouring occupiers, with particular regard to privacy and outlook;
 - iv) whether the proposal would make an appropriate contribution to affordable housing, and;
 - v) whether the proposal would be appropriate in terms of sustainability.

Reasons

Character and Appearance

4. Trodds Lane extends from an area of dense residential development at its northern end to a distinctly rural area, comprising open land as well as golf courses set among dense woodland to the south. The area surrounding the appeal site comprises predominantly detached properties of varying design and set within irregular shaped plots, set back from the road to varying degrees behind mature trees and hedgerows. Together, the irregularity of the built forms, plot sizes and

mature landscaping in the area, provide a semi-rural character and contribute to the appreciation of the transition from the town to its rural setting. I observed there to be little visibility into the appeal site from the road as it is contained behind tall and dense foliage. However, the width of the frontage and its planting contribute positively to the established character of the area and its distinctiveness.

5. There are some pockets of development nearby which are notably different in their character, including the short terrace immediately to the north of the appeal site and two pairs of semi detached houses further south along Trodds Lane, which are closer to the road edge and with narrow plots. However, these are small groups of historic buildings and do not detract from the prevailing character of the wider area set out above.
6. The proposed site layout would comprise a pattern of regular plots of similar size, and with houses set across two lines parallel to the street. The repetition in the house designs fronting Trodds Lane, together with the limited spaces between them, their deep and bulky roof forms and front parking areas, would accentuate the dense pattern of the development on the site and its heavy contrast with its surroundings. The presence of similar sized plots at the back of the site would be appreciated in views from around the access and in glimpses between the frontage buildings, adding further to these effects. As a whole the development would appear in stark contrast with the established character of the area.
7. There would be some space to the front of the site which could continue to provide soft landscaping. However, based on the information before me, it cannot be established that this would be capable of screening the development or assimilating the proposal into its surroundings.
8. I note the Council's acceptance of a new house behind 20 Trodds Lane to the south¹. However, based on what I have seen, that development comprised one new home and both the proposed and host properties continued to be set within reasonably generous plots with open spaces around them. The appellant has also drawn my attention to other nearby decisions², however, those sites are further north within areas of higher density development and different character. The circumstances would therefore appear notably different to those of this appeal.
9. In conclusion on this main issue, the proposal would cause harm to the character and appearance of the area. It would conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2019 (the LPSS), and policies D4 and D8 of the Guildford Borough Local Plan: Development Management Policies 2023 (the DMP) which require, among other things, that developments respect context and contribute to local distinctiveness. There would also be conflict with the Framework where it requires development to be sympathetic to local character, and where it supports efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting. There would also be conflict with the National Design Guide insofar as it reiterates the need for development to respond positively to the features of the surrounding context, character and local identity, and consequently paragraph 139 of the Framework.

Habitats Sites

¹ 16/P/00542

² APP/Y3615/W/16/3147135 (Redwood Care Centre), 21/P/02643 (Tretower House)

10. The site is within the buffer zone of between 400m and 5km from the Thames Basin Special Protection Area (SPA). This is a network of heathland sites which span several counties. Within Guildford Borough the SPA comprises the Ash to Brookwood Heaths, Whitmoor Common and Ockham and Wisley Commons. The SPA provides a habitat for three internationally important bird species: woodlark, nightjar and Dartford warbler. These nest on or near the ground, and so are particularly susceptible to predation as well as disturbance from informal recreational use, especially walking and dog walking. The proposed development would increase the number of people living within the buffer zone, and therefore a pathway exists for the development to affect the integrity of the SPA and it would have a likely significant effect on its qualifying features.
11. As above, the additional residents of the proposed development would be likely to use the SPA for recreational purposes given their proximity to it. The Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 (the AS) sets out three buffer zones around the SPA, of which the appeal site would lie within the 'zone of influence' and the proposal, either alone or in combination with other projects, would compromise the conservation objectives of the qualifying features of the SPA.
12. The AS sets out a strategic approach to mitigation for these effects. It sets out a series of avoidance and mitigation measures relating primarily to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). The AS sets out the means by which they will be funded by a tariff based approach and delivered in perpetuity, and I have no strong reason to doubt that a contribution to those measures would be successful in mitigating for the effects of the development.
13. The UU relates to a contribution of £68,162.37 towards the upgrading and maintenance of the SANGs, as well as £9,079.37 towards SAMM and payable before commencement, as well as a monitoring fee of £840 to the Council on completion of the deed. I understand these sums to be based on the 2024/25 tariffs, although I do not have full details of how the sums have been calculated and they appear to account for a net increase of 6 new houses, rather than 5. This raises concerns as to whether the amounts are fairly and reasonably related in scale and kind to the development. However, even if there were reassurances on this matter, the UU relates to planning permission granted by the Council, which would not be the case here if the appeal were to be allowed. This casts doubt on whether the UU would be effective in securing the contributions.
14. For these reasons in combination, and adopting the required precautionary approach, it cannot be established with the necessary certainty that mitigation would be secured and that the proposal would not have an adverse effect on the integrity of the designated habitats site. Accordingly it would conflict with Policy P5 of the LPSS and Saved Policy NRM6 of the South East Plan 2009 which together relate to the effects of new development on the integrity of the Thames Basin Heaths SPA, as well as the provisions of the Framework relating to habitats sites. I understand Policy NE4 of the DMP, referenced in the decision notice, has been superseded.

Living Conditions

15. The houses proposed to Plots 3 and 4 would adjoin no.16 Trodds Lane to the north, which has a long garden extending to the rear. However, given the layout and orientation of the proposed houses, any overlooking towards that property would be at oblique angles and would be unlikely to result in a harmful loss of privacy. Appropriate boundary treatments and obscure glazed side windows could be secured by condition if the proposal were otherwise acceptable. The distance between the back of no.16 and the front elevation of the house on Plot 4 would also be sufficient to prevent harmful overlooking. As such I do not consider that the proposal would cause unacceptable harm to the living conditions of occupants of no.16.
16. The new house proposed to Plot 6 would be close to Longshot to the south. It would not have habitable room windows facing towards Longshot and intervisibility between the two would only be possible at oblique angles and above a boundary treatment. Given the orientation of Longshot, and its position to the south of Plot 6, a harmful loss of outlook and overbearing effects would not occur.
17. The proposed vehicular access to the back of the site would run in part along the site's southern boundary. Given the landscaping on this boundary, the scope for a new boundary treatment, together with the likely extent of vehicle movements associated with the three proposed houses which would use it, the effects are unlikely to be significant or harmful to those neighbouring occupiers.
18. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on the living conditions of neighbouring occupants. The proposal would comply with policies D5 and D8 of the DMP, which require development to avoid having an unacceptable impact on the living environment of existing residential properties.

Affordable Housing

19. Policy H2 of the DMP contains the Council's policy on affordable homes. It states that, among other things, the Council will seek affordable homes on sites providing 11 or more homes or where the dwellings would have a combined gross internal floorspace of more than 1,000sqm, and gives a figure of 40% provision. The proposal would have a floor area of 1453sqm and would therefore trigger the affordable housing policy.
20. The policy allows for off-site contributions where the Council agrees that on site provision and management would be impractical and for circumstances where developers satisfactorily demonstrate that providing the amount of affordable homes required would not be economically viable.
21. The appellant provided a Viability Appraisal with the planning application which concludes that the proposal would be unable to provide any affordable housing as it would already be in deficit. The Council have had the opportunity to comment on that Appraisal at both the application and appeal stages and, based on the information before me, I have no strong reason to doubt the Appraisal's findings. In being led by the evidence, I have therefore accepted its conclusions.
22. The proposal would be acceptable in terms of its affordable housing provision. It would comply with Policy H2 of the DMP insofar as it accepts a reduced affordable

housing provision subject to viability. There would also be no conflict with the provisions of the Framework relating to affordable homes, given the size of the site.

Sustainability

23. Policy D2 of the LPSS requires applications for development to include information setting out how sustainable design and construction practice will be incorporated, and gives a list of considerations that should be included. Having regard to the wording of the policy, I see no reason this should not apply to the development proposed. Policies D14 and D16 of the DMP similarly set out requirements for new development in this respect and the Council's 'Climate Change, Sustainable Design, Construction and Energy' Supplementary Planning Document 2020 (the SPD) provides guidance to implementing those policies.
24. As part of the appeal the appellant has provided Standard Assessment Procedure (SAP) calculations as well as a Compliance Report relating to Part L of Building Regulations which refers to matters including air source heat pumps for the new dwellings. Together with the information provided with the planning application these suggest the development is capable of achieving carbon reductions from the target emission rate. Given the proposal is for entirely new build development, I have no reason to doubt that could be the case. I consider the information provided to be proportionate to the size of the development proposed, as set out in Policy D2.
25. On the basis of the information provided, and in the absence of evidence which would lead me to doubt the appellant's conclusions, I am satisfied that the proposal is capable of complying with the policies in respect of sustainability. The development would comply with Policy D2 of the LPSS and policies D14 and D16 of the DMP, as well as the Framework, which together require development to address the challenge of climate change.

Planning Balance

26. The Council accept that it is unable to demonstrate a five year land supply for housing and it is currently unable to confirm the extent of the supply. The provisions of paragraph 11d) of the Framework are therefore relevant to the determination of the appeal. In terms of paragraph 11d)i. the application of policies in the Framework that protect habitats sites provide a strong reason for refusing the development proposed, as stated in paragraph 195.
27. If that were not the case and additional clarifications had been sought regarding the mitigation for habitats sites, a balancing exercise would have been required under paragraph 11d)ii. The benefits of the proposal would include the provision of 5 net additional homes, which would be in a sustainable location, in a built up area and with good accessibility to services and facilities and offering a genuine choice of travel modes to future occupants, as supported by paragraphs 110 and 115 of the Framework. The delivery of new homes is particularly important given the local undersupply of land for homes and the lack of any indication of the level of supply at this time. The Framework acknowledges the importance of small and medium sized sites to meeting the housing requirement, and states that great weight should be given to the use of suitable sites within settlements for homes. There would also be economic benefits arising from the construction process and ongoing expenditure into the local economy by future occupants as well as receipt

of a new homes bonus by the Council, and ecological benefits could be secured. I appreciate all these factors are important benefits of the scheme, however given the scale of the development, these benefits together attract great weight.

28. Conversely, the harm arising to the character and appearance of the area would be in conflict with paragraphs 129 and 135 of the Framework for the reasons set out above, which are also two of the key policies referred to in 11d)ii. The conflict with local design policies and the National Design Guide also create conflict with paragraph 139 which is also a relevant key policy. The harm to the character and appearance of the area would be significant and long lasting and be in conflict with both local and national policies, and I give substantial weight to that harm.
29. Accordingly, even if the proposal were acceptable in terms of its effects on habitats sites, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits as set out in paragraph 11d)ii. The proposal would not therefore benefit from the presumption in favour of sustainable development.

Other Matters

30. I have had regard to the other issues raised by third parties. However, I have not addressed those matters further since they would not alter the outcome of the appeal.

Conclusion

31. The proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR