



Appeal Decision

Site visit made on 19 August 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 SEPTEMBER 2025

Appeal Ref: APP/Y3615/W/25/3366884

86 High View Road, Guildford, Surrey GU2 7RY

- 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 Mrs Charlie Monteiro against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01819.
 - The development proposed is construction of a detached dwelling to the rear of the property following demolition of garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the appeal scheme on the character and appearance of the area;
 - whether the appeal scheme would result in acceptable living conditions for the occupants of the existing dwellinghouse that is on the appeal site and for the future occupants of the proposed dwellinghouse;
 - whether the appeal scheme would achieve a biodiversity net gain (BNG);
 - whether any impacts on protected habitats sites would be mitigated;
 - whether a fabric-first approach has been followed in the design of the appeal scheme;
 - whether an appropriate scheme of landscaping has been proposed; and
 - whether parking provision would be satisfactory.

Reasons

Character and Appearance

3. The local area is generally characterised by detached houses which are set back from the road by front gardens and, in some cases, by driveways. Most properties also have large rear gardens. Some, like the appeal site, have rear garages which are accessed from a road which is at a significantly lower elevation than the road to the front of the properties.

4. The proposed dwelling would be cut into the sloping rear garden of an existing dwelling and, like the garage that would be demolished, would present itself directly onto the road. It would have a parking space to its side but no front garden or space for any meaningful planting. According to the Council, the rear garden of the proposed dwelling would be 7.2m deep and the garden of the existing dwelling would be reduced to approximately 3.5m at its closest point. The resultant separation distance between the two properties would be less than 11m at their closest points.
5. Because of its position on the site and the absence of a front garden area, the proposed dwellinghouse would be uncharacteristically prominent. The subdivision of the garden of the existing dwellinghouse into two small plots would result in an appearance of over-development. Furthermore, as the site of the proposed dwellinghouse would be cut into the sloping garden and thus necessitate the creation of retaining walls, it would have a cramped appearance.
6. As such, the appeal scheme would be at odds with the character and appearance of the local area and would conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LPSS) and with Policy D8 of the Guildford Borough Local Plan Development Management Policies (2023) (DMP) which together seek high-quality design that responds to local character, that integrates well with surrounding development, and that is appropriate to the size of the site. The Council also referred to LPSS Policy H1 in its reason for refusal relating to character and appearance, but this is a general policy which relates to the provision of housing and I do not consider it to be of direct relevance to this matter.
7. Whilst the appellant has drawn my attention to other schemes in the local area which involve the sub-division of plots, I have not been provided with any additional information to enable me to ascertain whether there are any similarities with the appeal scheme and, in any event, each scheme must be considered on its own merits.

Living Conditions

8. The proposed dwellinghouse would only have a small, raised garden, accessed by stairs, which would be at a similar height to the first floor of the proposed dwellinghouse. To the immediate south of this would be a retaining wall (which according to the submitted plans would be 2.45m high) with a close-board fence on top of it. I consider that this arrangement would result in poor-quality outdoor space and would be over-bearing for future occupiers of the proposed development.
9. Whilst the appeal scheme would decrease the size of the existing dwellinghouse's rear garden, the sloping nature of the site and boundary treatment to the front of the existing dwellinghouse results in a south-facing outdoor area with a reasonable degree of privacy. Therefore, I do not consider that a reduction in the size of the rear garden would contribute to poor living conditions for the occupiers of the existing dwellinghouse.
10. The provision of the aforementioned fence is likely to prevent direct views into the garden and rear windows of the proposed dwellinghouse from 86 High View Road and therefore I do not consider that there would be a detrimental effect in terms of privacy or overlooking of future occupiers from number 86. For the same reasons, there would not be privacy issues for occupiers of number 86 in terms of

overlooking from the proposed dwellinghouse. Similarly, and when considered together with existing landscaping, I do not consider that there would be an issue relating to privacy by way of overlooking from 85 High View Road or 87 High View Road. Accordingly, there would not be a conflict with the relevant provisions of DMP Policies D5 and D8 in this regard.

11. However, the poor-quality outdoor space for the proposed development would conflict with LPSS Policy D1 and DMP Policy D4 which together say that all new developments will be required to achieve high-quality design that responds to local character and with DMP Policies D5 and D8 which seek to avoid unacceptable impacts on the living environment of occupiers of residential properties, including in respect of infill developments.

Habitats

12. The site lies within the 400m to 5km zone of the Thames Basin Heaths Special Protection Area (SPA). The appellant has said that they would be happy to complete a BNG assessment / calculation to show that the proposal would not have a detrimental effect on the SPA. However, a BNG assessment is a separate process and so would not demonstrate that the proposal would not have an adverse impact on the SPA. Instead, the development would need to be screened for likely significant effects and an appropriate assessment would need to be undertaken if necessary. As part of this process, a unilateral undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) would need to be entered into to secure contributions for mitigation. A UU has not been submitted with the appeal and, therefore, the proposal would fail to comply with LPSS Policy P5, DMD Policy P6 and saved Policy NRM6 of the South East Plan (2009) which relate to the Thames Basin Heaths Special Protection Area and the protection of habitats, as well as with The Conservation of Habitats and Species Regulations 2017 (as amended).

Biodiversity Net Gain

13. The appellant has stated that the appeal scheme would be exempt from BNG requirements because it is a self-build scheme. However, no self-build *pro forma* was submitted with the application to confirm that the proposed dwelling would be self-build and there is no mechanism before me to secure a self-build scheme. In the absence of an appropriate response to biodiversity net gain requirements, the appeal scheme conflicts with DMP Policies P6 and P7 which relate to the protection of important habitats and species, and biodiversity in new developments.

Fabric First

14. Although the Council concluded at the application stage that insufficient information had been provided to demonstrate a 'fabric first' approach to development and towards achieving an environmentally sustainable outcome, the appellant has provided this information with its appeal and that information addresses the reason for refusal relating to this issue. Therefore, the appeal scheme would comply with DMP Policy D14(1) and LPSS Policy D2(2).

Landscaping

15. DMP Policy P7 says that planting schemes are expected to use UK-sourced native species, unless imported strains of native species would offer greater resilience and are free from disease. Whilst the appeal scheme indicates the use of non-native plants, a policy-compliant scheme of planting could be secured by the use of a planning condition.
16. Therefore, subject to a planning condition, there would be an appropriate scheme of landscaping, and the appeal scheme would comply with DMP Policy P7 which says that planting schemes are expected to use UK-sourced, native species.

Car Parking

17. The existing dwellinghouse does not have any off-street parking; although there is a garage – which is on the site of the proposed dwellinghouse – the appellant has stated that this cannot be counted as a parking space because its internal dimensions (5.3m x 2.3m) are below the acceptable dimensions for garage parking provision which are 6m x 3m as defined in DMP Policy ID10.
18. DMD Policy ID10 says that, for non-strategic sites, the provision of car parking in new residential development in suburban areas shall have regard to the maximum standards set out in the Parking Standards for New Development SPD. The SPD indicates that a maximum of 2 parking spaces should be provided for a 3-bed dwelling but the appeal scheme proposes a single parking space for the proposed dwelling and no parking for the existing dwelling. However, given that the Council's policy does not set a minimum required number of parking spaces, the provision of a single parking space for the proposed dwelling would comply with DMD Policy ID10.

Planning Balance and Conclusion

19. The Council does not have a five-year supply of housing land and, therefore, I must consider whether paragraph 11 d) of the National Planning Policy Framework (the Framework) applies. In this case the unmitigated impact on the Thames Basin Heaths SPA provides a strong reason for refusing the development proposed and, therefore, paragraph 11 d) is not engaged.
20. Furthermore, and with reference to The Conservation of Habitats and Species Regulations 2017 (as amended), on its own this unmitigated impact on the Thames Basin Heaths SPA means that this appeal cannot be allowed.
21. The adverse effects of the appeal scheme on the character and appearance of the area, and the poor quality of the living conditions for future occupiers of the proposed dwellinghouse, would outweigh the benefit of a single dwellinghouse and would be contrary to the development plan.
22. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR