
Appeal Decision

Site visit made on 17 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/Y3615/W/25/3360717

21 Cranley Road, Guildford, Surrey GU1 2EW

- 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 Jack Lemon against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01442.
 - The development proposed is the demolition of existing dwellinghouse and replacement with 2 No. 5-bed, two storey dwellinghouses with accommodation in the roofspace, landscaping and planting, bike storage, car parking and bin storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 occupants of 12a and 13 Watford Close with particular reference to loss of privacy, loss of daylight and sunlight and whether or not the proposed development would be overbearing;
 - Whether or not the proposal would unacceptably harm important habitats and species; and
 - Whether or not the proposed development would meet the requirements for the provision of biodiversity net gain.

Preliminary Matters

3. A reason for refusal relates to the fact that the Council were not satisfied that there would be no likely significant effect on Thames Basin Heaths Special Protection Area. However, given my findings in relation to the other main issues I will deal with this issue in the "Other Matters" section of the decision

Reasons

Character and appearance

4. The appeal site is located within a predominantly residential area, although I observed at the site visit that there are also a number of school buildings within the vicinity. On the northern side of Cranley Road and roads off this road, properties predominantly comprise a mix of two storey detached houses and bungalows many on spacious plots with mature trees and hedging. This creates a sense of verdant

spaciousness which makes a positive contribution to the character and appearance of the area. Due to the orientation of houses the frontage along this part of Cranley Road is predominantly a mixture of fencing, hedges and garden walls which when combined with the mature vegetation compliments the overall verdant character.

5. On the opposite side of the road are the RGS school buildings with some being larger in scale and being more imposing than the residential dwellings opposite, although they clearly appear as a distinct school use and the sense of green spaciousness is retained by the significant open playing fields and the mature vegetation located along the boundary of the school and Aldersley Road.
6. The appeal site currently comprises a detached bungalow which is accessed from a private drive to the side of the existing dwelling and so like many of the properties along the road the frontage is defined by mature vegetation behind an existing close boarded fence. Although the existing property on the appeal site is not particularly attractive and one of the side elevations and the rear elevation are located close to the boundaries with neighbouring properties, it does not detract from the prevailing character and appearance of the area.
7. The proposal would involve the erection of a pair of semi-detached properties with reconfiguration of the site so that access would be directly from Cranley Road with a parking area to the front. There would be a significant increase in the scale, massing and bulk of the proposed dwellings in comparison to the existing property in order to accommodate two substantial five bedroomed houses with three bedrooms on the first floor and a further two bedrooms on the second floor.
8. I have no issue with the principle of residential development on the appeal site, and I accept that it may be possible to accommodate a pair of semi-detached properties. However, any proposal would need to be of an appropriate scale, and I do not consider that the proposed development has achieved that here.
9. Saying that, I have no concerns about the distance the side elevations would be set back from the common boundaries on either side, nor with the set-back of the front elevation from Cranley Road. Moreover, I do not consider that the individual plots would be too narrow or that the size of the rear gardens would result in any harm to the character and appearance of the area and so the plot sizes would be acceptable. Moreover, I observed that parking areas to the front of dwelling is a characteristic feature of properties in the area, particularly along Watford Close and Hilgay Close. As a result, although existing vegetation and fencing along Cranley Road would be removed and the appeal site would be materially more visible from the public realm, I do not consider that this arrangement would be unacceptably harmful. I also accept that any trees of high amenity value would be retained and adequately protected during construction.
10. The appeal proposal is described as two storey dwellinghouses with accommodation in the roofspace. However, to accommodate the proposed living space and bedrooms, the proposed dwellings are effectively three storeys with flat roofed dormers in the side and rear roof slopes of each dwelling. Moreover, although there would be some elements of the roofs that would be hipped these would connect to a large expanse of flat crowned top roof incorporating rooflights to provide natural light to the landing, (annotated as hall on the submitted plans). In addition to the flat roof dormers, there would also be rooflights located at the highest point of the roof slopes in the side elevations.

11. I accept that other properties in the vicinity have flat roofed elements, incorporate rooflights and the overall height of the proposed dwellings would be consistent with 13 Watford Close (No 13). I have also taken account of other dwellings with a similar design as proposed, including dwellings at 61, 63 and 65 Cranley Road. However, these are some distance away from the appeal site within a materially different context as unlike within the vicinity of the appeal site many residential dwellings within this stretch of the road have three storeys and have a much greater presence within the streetscene.
12. Consequently, when taken together the proposed roof profile and resulting mass, scale and bulk of the upper part of the proposed dwellings within this setting would appear incongruous, bulky and would introduce an inharmonious development into the streetscene. Although the proposed landscaping scheme would soften the proposal to a certain extent it would not adequately ameliorate the harm, and such an arrangement would be at odds with the prevailing spacious character and appearance of the area. It also follows that the overall mass, scale and bulk of the proposed development would overwhelm the size of each plot to the detriment of the character and appearance of the area.
13. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area, and I afford this matter significant weight. Consequently the proposal would be at odds with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034, April 2019 (GBLPS&S) and Policies D4 and D8 of Guildford Borough Local Plan: Development Management Policies, March 2023 (GBLPDMP) which among other things seek to ensure that new development achieves high quality design that responds to local distinctiveness and the local character and that infill development integrates well with its surroundings and responds positively to the existing character and identity of the local area.

Living Conditions

14. 12a Watford Close (No 12a) is located to the north of the appeal site. Due to the relative position of this property relative to the trajectory of the sun and the position of the proposed buildings I do not have any concerns about the loss of daylight or sunlight at this property. Moreover, any views from windows serving habitable rooms at the proposed dwellings or at the rooms at No 12a looking towards the proposed dwellings would be oblique and so this would not result in any unacceptable harm to the living conditions of the occupants of No 12a.
15. However, the gardens at the proposed dwellings are relatively shallow being less than 10 metres from the rear elevation of the family room and less than 15 metres from the rear elevation of the first and second storeys for unit one and slightly less than that for unit 2. Although given this distance the proposal would not appear unacceptably overbearing, due to the configuration of the proposed development relative to the garden at No 12a, the windows at first floor level serving a total of four bedrooms and the windows at the second-floor level serving two bedrooms would have direct views over the garden at No12a.
16. Moreover, in particular the windows serving bedrooms at first and second floor level of proposed unit 2, would have clear views towards the patio area immediately to the rear of No 12a which is somewhere the existing occupants would likely want to sit outside and enjoy their garden. Due to the distance that all of these windows

would be located from the common boundary with 12a, the living conditions of the occupants of this property would be unacceptably harmed due to overlooking and the loss of privacy.

17. No 13 is located to the east of the appeal site. This property has windows at ground floor level that faces towards the appeal site. I understand that one of these serves a ground floor guest bedroom. However, the view from this window would be towards the proposed single storey family room at Unit 2 which would be set away from this bedroom window by about 8.5 metres. Consequently, the proposal would not appear overbearing from this view. I understand that other windows at ground floor level and in the roofslope of No 13 do not serve habitable or principal rooms and consequently the outlook for the occupants of this neighbouring property would not be unacceptably harmed.
18. In terms of privacy, I am satisfied that the proposed landscaping and boundary treatment would ensure there would not be an unacceptable loss of privacy at ground floor level or of the shallow garden area at No 13. Windows in the side elevation of the first and second storeys of the proposed development facing towards No 13 would serve a bathroom and a shower room. Consequently, these would be obscure glazed and non-openable up to an appropriate level to prevent overlooking and consequently I am satisfied that there would not be an unacceptable loss of privacy.
19. The appellant has undertaken a detailed shadow analysis which satisfactorily demonstrates that in comparison to the existing situation the proposal would not result in an unacceptable loss of daylight and sunlight.
20. Overall, the proposal would not appear unacceptably overbearing or result in an unacceptable loss of daylight and would not result in an unacceptable loss of privacy for the occupants of No 13. However, for the reasons set out above it would result in an unacceptable loss of privacy for the occupants of No12a. The appellant points out that the existing neighbours have not objected to the proposal. However, the proposed development would be expected to be on the appeal site for a significant time and the unacceptable impact on the living conditions of the occupants of No12a would be an on-going issue. As a result, the fact that the existing occupants have not objected does not justify harmful development at the appeal site.
21. I therefore conclude that the proposal would unacceptably harm the living conditions of the occupants of 12a Watford Close with particular reference to loss of privacy and I give this harm significant weight. Consequently, the proposal would be at odds with Policies D5 and D8 of the GBLPDMP which among other things seek to ensure that development proposals avoid an unacceptable impact on the living environment and amenity of existing neighbouring residents.

Important Habitats and Species

22. The appellant has undertaken a preliminary ecological appraisal which included a preliminary bat roost assessment dated 18 November 2022 (PEA) and a bat emergence and re-entry survey, which again undertook a bat roost assessment dated 1 August 2023 (bat survey). The Council has expressed concern that the ecological appraisals of the appeal site are outdated as it is reasonably likely that the condition and types of habitat present have changed.

23. The bat survey reconfirmed the previous findings in the PEA that no bat roosts were identified at the site, but there was a need for the implementation of a sensitive lighting strategy and there was an opportunity for enhancement in the form of two bat boxes which would create new habitat. As a rule of thumb, surveys older than two years old maybe unreliable. However, on balance bearing in mind it is only just over two years since the bat survey was undertaken the proposed mitigation measures to protect bats are satisfactory.
24. Clearly the PEA has now exceeded the survey lifespan rule of thumb I have set out above. However, bearing in mind the existing residential use of the appeal site within an established built-up area I accept the findings of the PEA that any nesting birds could be protected during the nesting season through an appropriately worded condition. Moreover, I also agree with the PEA that it is unlikely that the proposal would have any adverse effect on any other protected species such as badgers, dormouse, reptiles or great crested newts because the habitats that would be affected are unsuitable or sub-optimal for use by these species and isolated from other areas of suitable habitat. I also accept the findings of the PEA that no signs of badgers were observed on or adjacent to the appeal site. Importantly I also note that the appellant has confirmed that the ecologist has returned to the appeal site and has advised that the circumstances have not changed since the original PEA was prepared.
25. I therefore conclude that the proposed development would not unacceptably harm priority species and habitats and consequently the proposal would accord with the relevant parts of Policies P6 and P7 of the GBLPDMP which amongst other things seeks to protect important habitats and species and that development proposals should be designed to create new habitat.

Biodiversity Net Gain

26. There is now a requirement under Schedule 7A of the Town and Country Planning Act 1990 for developments to provide 10% biodiversity net gain (BNG). There are specific exemptions from this and the general BNG condition does not apply to development subject to the de minimis exemption. This comprises development that does not impact a priority habitat and impacts less than 25 square metres of any habitat or 5 metres of any linear habitat. The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires a statement setting out why a permission would or would not be subject to the condition, with reasons for that belief.
27. In the PEA, which pre-dated the statutory requirement the appellant recognised that there would be a need to demonstrate that a development would result in a biodiversity net gain (BNG) of 10% and set out that the pre-intervention vegetated garden area on the appeal site amounted to 460m² and the urban trees component comprised an area of 489m². They used this combined figure to calculate the pre-intervention habitat unit value. The existing vegetated garden and urban trees are not priority habitats but are habitats for the purposes of applying the BNG condition. Although the appeal statement indicates that a revised BNG statement has been commissioned and will be submitted I am not aware that anything further has been received. Rather, I note that in an appendix to the Appeal Statement the appellant's ecologist sets out that given the existing versus the proposed footprint a full BNG assessment is not warranted. However, I do not agree. Although the appellant

appears to indicate that the proposed development is subject to the de minimis exemption as it is below the relevant thresholds, no detailed BNG metric nor adequately compelling statement has been submitted in support of that position.

28. An area of amenity grassland in the form of garden area would be removed to accommodate the proposed frontage parking area and access. Although the amount of grassland to be lost is not specified, from my observations on site, the plans before me and the information included within the PEA, it appears that the proposal would likely result in the loss of more than 25 square metres of habitat. In the absence of evidence to the contrary, I cannot be certain that the proposal would meet the de minimis exemption and the BNG condition would not apply.
29. Moreover, among other things Policy P7 of GBLPDMP sets out that qualifying development is required to achieve a BNG of at least 20% or the national minimum amount, whichever is greater. Given my finding that I cannot be certain that the proposal would meet any exemption and based on the available evidence the appellant has not adequately demonstrated that the proposal would achieve the necessary requirements for the provision of BNG.
30. Therefore, I conclude that it has not been demonstrated that the proposed scheme would meet the necessary requirements for the provision of BNG which I afford significant weight. Consequently, the proposed development would conflict with the relevant part of Policy P7 of GBLPDMP for the reasons set out above.

Other Matters

31. I turn first to consider housing supply. The Council accept that they are unable to demonstrate a 5-year supply of housing land. The proposal would be valuable in boosting housing stock. However, given that the proposal would only result in one additional dwelling that tempers the weight of this matter.
32. I accept that the proposal would have a cumulative effect in the supply of housing and would make efficient use of the site in a sustainable location. The proposal would also have limited economic, social, and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase and would broaden the availability of much needed housing in the area.
33. The appeal site is located within the zone of influence of the Thames Basin Heaths Special Protection Area (TBHSPA). This European site is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (The Habitat Regulations).
34. The appellant confirms agreement to make necessary contributions towards both Strategic Access Management and Monitoring (SAMM) and Sustainable Alternative Natural Greenspace (SANG). It follows that they accept that the proposal is likely to have a significant effect on the TBHSPA which need to be appropriately mitigated. However, to achieve the necessary contributions to secure relevant mitigation measures, as recognised by the appellant it would be necessary to enter into a planning obligation. No such obligation has been submitted.
35. Regulation 63 of the Habitat Regulations requires the competent authority to carry out an Appropriate Assessment (AA). However, an AA is only required where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal, it is unnecessary for me to undertake an AA. Although I

have no reason to doubt the appellant's willingness to enter into an appropriate planning obligation, an executed document to secure the necessary mitigation measures has not been provided. That said, if this had been the only matter that weighed against the proposal I may have given the appellant an opportunity to address this matter as part of the AA process and consequently it has had a neutral bearing on the determination of the appeal.

36. The appellant has indicated that they could implement permitted development (PD) rights at the appeal site which would be harmful. However, given that such an approach would not make efficient use of the appeal site, the fact that the larger home extension would require prior approval and the examples provided would result in unsightly flat roofed dormers and roof profiles which would be detrimental to the appearance of the host building, I am not satisfied that there is a greater than a theoretical possibility that such an approach would be taken by the appellant. Consequently, I afford this possibility limited weight in the determination of the appeal.
37. I have taken account of the consultations the appellant has undertaken with the Council in order to achieve a satisfactory scheme, and I can understand why they feel frustrated by the apparent change in approach during the overall planning process and the time taken for the Council to progress matters. However, I have determined this appeal on the basis of the relevant material planning considerations and the actions of the Council during the application process has not had a material bearing on my findings.
38. Overall, taking account of the contribution the appeal scheme would make in addressing the housing land supply shortfall and the other matters that weigh in favour of the proposal, I afford the totality of the benefits moderate weight.

Planning Balance and Conclusion

39. I have afforded some matters weight as outlined above and overall, I afford the totality of the benefits moderate weight in the determination of the appeal. On the other hand, I afford significant weight to the fact that the proposal would unacceptably harm the character and appearance of the area, it would unacceptably harm the living conditions of the occupants of 12a Watford Close and the appellant has not demonstrated that the proposed scheme would meet the necessary requirements for the provision of BNG. I afford the totality of the harm resulting from these issues substantial weight
40. As set out above, the Council cannot demonstrate a 5-year supply of housing land. This is at odds with Framework requirements and as a result Paragraph 11(d) of the Framework is relevant.
41. However, given the relative benefits weighed against the harm and having had particular regard to key policies directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes I nevertheless find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
42. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance. Planning law requires that

applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.¹

43. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S Rawle

INSPECTOR

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990