



Appeal Decision

Site visit made on 9 December 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2025

Appeal Ref: APP/Y3615/W/25/3370791

36 Ash Church Road, Ash, Surrey, GU12 6LX

- 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 Ian Hollis against the decision of Guildford Borough Council.
 - The application Ref is 24/P/01334.
 - The development proposed is 'erection of two three bedroom semi detached dwellings'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the significance of the Church of St Peter, a Grade II* listed building;
 - iii) the effect of the proposal on European sites; and
 - iv) the effect of the proposal on highway safety.

Reasons

Character and Appearance

3. The appeal site is located adjacent to the Church of St Peter and includes a semi-detached dwelling which marks one end of a group of detached and semi-detached properties along this side of Ash Church Road. There is some variety in the external finishes and overall form of these dwellings, but they are generally positioned on a fairly regular building line, set back from the street with areas of parking and landscaping to their frontages. Gaps between buildings are in some cases modest at ground-floor level, but spacing is typically greater at first-floor and above affording views from the street towards garden backdrops. In some places, there are also views of development on Britten Close, but this is at some distance beyond the relatively long rear gardens. The plot to the appeal dwelling is also generous and there is a clear gap to the boundary of the Church. These factors and the verdant churchyard provide for an overall sense of spaciousness to this part of the Ash Church Road street scene.
4. The proposed dwellings would sit within part of the garden to the rear of 36 Ash Church Road and while hedging to the site boundaries could provide screening, some views of the development would be possible including from Ash Church Road along the access. I acknowledge that maisonettes on Britten Close are currently

visible, but boundary fencing at the rear of the site provides discernible separation and views are of the side of the buildings so that they do not clearly sit as part of the Ash Church Road group. The distance from Ash Church Road additionally means that while the side elevation of the Britten Close buildings may have little architectural detailing, it is not conspicuous or obtrusive in the street scene.

5. In contrast, the proposed dwellings would face towards and be accessed from Ash Church Road and so would be much more clearly appreciated as a feature of this street scene. In this context, their position sitting notably behind No 36 and the prevailing building line along Ash Church Road nearby would be uncharacteristic and would cause the development to stand out as an incongruous feature.
6. In addition, the dwellings would fill much of the width of the site at two-storey height, leaving relatively little space to the boundaries. I appreciate that there is extant permission for a dwelling to the side of No 36 which would also reduce spacing to the boundary with the Church¹ ('the Permitted Scheme'). From the details before me however, that dwelling would have a relatively long garden comparable to that of No 36, whereas the dwellings now proposed would have gardens smaller and much shallower than is typical on Ash Church Road. Furthermore, gravel may not be an uncommon material locally, but the considerable length of the driveway now proposed together with areas of parking and turning to the front of the dwellings would result in surfacing across a substantial proportion of the site, leaving limited scope for soft landscaping to balance the built form.
7. Even if the size of the gardens would not be out of keeping with development on Britten Close, these factors taken together would cause the development to appear somewhat cramped relative to its immediate context and I find that the attractive, spacious character to this side of Ash Church Road would be harmfully eroded.
8. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the area resulting in 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'). These include requirements broadly seeking high quality design that responds to distinctive local character and development that contributes to local distinctiveness and that integrates well with its surroundings. The proposal would also be contrary to the National Planning Policy Framework ('the Framework') insofar as it requires development that is sympathetic to local character and that adds to the overall quality of the area.

Listed Building

9. The Church of St Peter is a Grade II* listed building. In determining the appeal, I have therefore been mindful of the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') to have special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest which it possesses.
10. The appellant has provided no assessment of their own describing the significance of the listed building, including any contribution made by setting, nor details to show

¹ Application ref 20/P/01446, which the Council confirmed had been lawfully commenced under application ref 24/P/00144

that the relevant historic environment record has been consulted which are requirements outlined in the Framework.

11. However, the list entry indicates that the Church incorporates 12th, 13th, 15th and 16th century elements, and that it was restored and enlarged in 1865. It includes a prominent broach spire over a square tower; a flint, sandstone rubble and stone exterior with ashlar quoins to the nave; and tracery windows. The large churchyard offers a verdant and open setting to the Church which provides for a degree of tranquillity, as well as separation to modern development in the surrounding area. This is reinforced by the hedging that runs along much of the boundary with the appeal site, and the generous spacing currently provided around No 36.
12. Insofar as it relates to the current appeal, I find the spacious and verdant setting to the Church, including the appeal site, to contribute to its special interest and significance as a listed building.
13. Although there is hedging along the boundary of the site with the Church, vegetation cannot be relied upon to provide screening of a permanent feature in the long term. In any event, I saw that there is currently some intervisibility between the sites, in particular where there is a gap in the hedge broadly in line with a large tree which sits within the churchyard very close to the boundary. The proposal also indicates that hedging over the site would be cut back in places which could reduce coverage. Accordingly, there could be some partial views of the development from the Church and churchyard. The development would also be likely to be readily appreciable from Ash Church Road as sitting within the setting that the Church is experienced within.
14. Where the development would be appreciated, I have found above that it would harmfully erode the spacious character to this side of Ash Church Road. Irrespective of the greater height of the Church, the very close proximity of the dwellings to the boundary and the extensive driveway, parking and turning areas would notably diminish the spacious quality of the appeal site which currently complements the churchyard and contributes to the significance of the listed building. The proposal's uncharacteristic layout would further exacerbate the visual impact and prominence of development on the site, and I agree with the Council that the 2m timber post and panel fencing that is suggested along much of the boundary would be dominant and conspicuously suburban against the hedgeline.
15. In addition, the appellant's Tree Removals Plan indicates that existing hedgerow trees on the front boundary to either side of the access would be removed. Although the proposed block plan shows hedging to the frontage of the site, it is unclear from the limited detail whether this would be of similar density and height to the existing and I am therefore unable to determine that there would not be further detriment to the verdant streetscape close to the church. This would not be offset or outweighed by reinstatement of a low brick wall to the boundary.
16. Notwithstanding the appellant's failure to provide sufficient information to understand the potential impact of the proposal on the significance of the Church contrary to requirements of the Framework, I find for these reasons that the development would be an obtrusive and detracting element within the setting of the Church of St Peter, causing harm to its significance as a listed building.
17. In reaching this view, I note that the Permitted Scheme would also be within the setting of the Church. Nevertheless, I have found above that the appeal proposal

would have a greater effect on the character and appearance of the area. I also note that the set back of the dwellings now proposed means that they would be closer to the listed building itself, and while they would be further from the street, there would still be a clear perception of the development on the site. In my assessment, the presence of hedging and boundary treatments would not be sufficient to mitigate the adverse effects of the appeal development within the setting of the Church.

18. Given that the appeal proposal would not affect the fabric of the listed building and would affect only part of its setting, I find that the harm to its significance would be 'less than substantial' in the terms of the Framework.

Heritage Balance

19. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal.
20. It further advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification, and states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
21. The Grade II* listing of the Church denotes that it is a particularly important building of more than special interest, indicating that greater weight should be given to its conservation and while the harm caused to its significance would be less than substantial, it nevertheless attracts considerable importance and weight.
22. Against this harm, the Council indicates that it is unable to demonstrate a five year housing supply. The provision of two additional dwellings on the site would therefore be an important benefit attracting significant weight. The Framework also advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, and the dwellings would be in a reasonably accessible location with access to local services and public transport links. However, the contribution that the proposal would make to the supply of housing and so the extent of the benefit would be very limited given the small scale of the scheme. The extent of the benefit would further be even more limited relative to the Permitted Scheme which would provide an additional dwelling and which it is unclear from the evidence before me could not be delivered in the absence of the appeal proposal.
23. I note references to inclusion of solar panels, increased insulation, electric vehicle charging points and water saving measures, but it is not clear from the limited information provided that these would exceed requirements or offer significant energy or resource savings. I therefore afford limited weight to these factors.
24. The proposal would make effective use of the site, but even taken cumulatively, the limited public benefits of the proposal would not in my judgement be sufficient to outweigh the harm to the Church. Accordingly, I am not persuaded that there is a clear and convincing justification for the harm that the proposal would cause to the listed building. The development would therefore be contrary to the LBCA Act and it would conflict with the aims of the Framework as it would fail to sustain the significance of the listed building and public benefits would not outweigh the harm.

It would also be contrary to Policy D3 of the LPSS and Policies D18 and D19 of the DMP which broadly seek conservation and enhancement of the historic environment and listed buildings and include requirements for proposals affecting heritage assets to be supported by an evidence-based heritage statement.

European Sites

25. The Thames Basin Heaths Special Protection Area ('the SPA') is a European site designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). In circumstances where a proposal is likely to have a significant effect on such sites, there is a duty on the competent authority to consider implications for the conservation objectives of the site within the framework of an Appropriate Assessment. This duty would now fall to me.
26. The SPA comprises a network of heathland sites that provide habitat for internationally important bird species of woodlark, nightjar and Dartford warbler which the information before me indicates are susceptible to disturbance from informal recreational use. The appeal site is within the 400m to 5km zone of influence around the SPA from where visitors to the SPA are likely to originate. As a result, occupiers of the proposed dwellings could be additional visitors to the SPA, increasing recreational pressure. This pressure, particularly when taken in combination with other plans and projects, could harm the qualifying features of the SPA to the detriment of its conservation objectives.
27. Where new residential development is proposed within the zone of influence, the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2017 ('the SPD') indicates that avoidance measures must be provided. One of the primary avoidance measures identified in the SPD is the provision of Suitable Alternative Natural Greenspace ('SANG') to displace recreational trips away from the SPA. Where development does not provide bespoke SANG, the SPD indicates that developers can pay a tariff to secure SANG mitigation through the Council's strategic SANGs (subject to available capacity). In addition, the SPD seeks financial contributions according to a tariff towards a package of Strategic Access Management and Monitoring ('SAMM') measures including information and education, guidance on access management, wardening and the promotion of alternative recreation sites.
28. The appellant indicates that a SANG allocation for the Permitted Scheme was secured and paid for. However, the appeal proposal would result in an additional dwelling and accordingly an increase in the level of mitigation that would now be required.
29. There is no planning obligation or other suitable mechanism before me as part of the appeal to secure SANG or SAMM avoidance measures that the appeal development would require.
30. Accordingly, I can only conclude that the recreation effects of the development would not be mitigated and I find that adverse effects on the SPA can not be excluded. The proposal would consequently conflict with Policy P5 of the LPSS, Policy P6 of the DMP and saved Policy NRM6 of the South East Plan 2009 insofar as they seek protection of important habitats and species and include requirements for adequate measures to avoid or mitigate any potential adverse effects of development on the Thames Basin Heaths SPA. I also have no firm reason to find that there are no alternative sites that could accommodate the development with

lesser effects on the integrity of the designated sites, nor that there are imperative reasons of overriding public interest that would outweigh the adverse effects. In these circumstances, the operation of the Habitats Regulations would preclude the proposal from proceeding.

Highway Safety

31. The development would be served by a vehicular access from Ash Church Road which the Highway Authority advises should be provided with visibility splays of 2.4m x 43m in both directions to the nearside kerb. The appellant's evidence indicates that this would be achievable towards the west, but that the visibility splay towards the east would measure 2.4m x 22.8m to the nearside kerb.
32. Nevertheless, I note that the visibility splay to the east is the secondary splay such that oncoming traffic from that direction would generally be on the opposite side of the road. Given the conditions on this part of Ash Church Road, I agree with comments made by the Highway Authority in response to a request for pre planning advice² that it is unlikely that vehicles will overtake in this location. I appreciate that those comments were not directed at the current proposal, but I therefore find with regard to the specific conditions in this location that the level of visibility towards the east would not present undue hazard likely to cause detriment to highway safety.
33. Moreover, I note that the point of access and visibility splays would generally reflect the position approved as part of the Permitted Scheme. Although the appeal proposal would result in an additional dwelling on the site, I have no firm reason to find that this would mean that the visibility splays previously accepted would no longer be adequate, nor that there has been any other change in circumstances which would alter this position.
34. I acknowledge that the proposal would not provide the level of visibility sought by the County Highway Authority. However, it is important to consider visibility in light of the specific context of the proposal. I find having regard to the specific circumstances of the site and the evidence before me that visibility at the access would be acceptable and I conclude that the proposal would not cause unacceptable harm to highway safety. As a consequence, I find no conflict with Policy ID3 of the LPSS or the Surrey Local Transport Plan 4 2022 insofar as they include requirements for development broadly to provide safe and suitable access and to maintain the safe operation of the road network. The proposal would also accord with the Framework insofar as it seeks safe and suitable access.

Other Matters

35. Surrey Wildlife Trust note that the appellant's biodiversity net gain ('BNG') calculations indicate that there would be a loss of biodiversity units for the habitat module but that a net gain is feasible for the hedgerow module. However, some indicated hedge planting appears to be within private gardens while the Statutory Metric User Guide indicates that calculations should not record creation of new habitats or enhancement of habitats within private gardens. In addition, the Trust highlights that an off-site strategy for BNG would be required necessitating a planning obligation, but no such obligation is before me. Given however that I am dismissing the appeal for other reasons and it would not alter my conclusions, I have not pursued these matters further within my decision.

² Letter dated 22 June 2020

Planning Balance

36. Given that the Council is unable to demonstrate a five year supply of housing, paragraph 11 d) of the Framework is relevant. In light of the above however, I find that policies in the Framework that protect designated heritage assets and habitats sites would each provide a strong reason for refusing the development proposed. On that basis, the presumption in favour of sustainable development at paragraph 11 d) of the Framework does not indicate that permission should be granted.
37. Although I have found that there would not be unacceptable harm to highway safety, the proposal would cause harm to the character and appearance of the area and the significance of the Church as a listed building and would adversely affect a European designated site. The cumulative harm and resulting conflict with the development plan attracts significant weight and I find that the limited benefits of the proposal would be insufficient to outweigh the harm and the resulting conflict with the development plan when it is read as a whole.

Conclusion

38. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR