

Planning Committee

9 January 2019

Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan 2003 (as saved by CLG Direction on 24 September 2007) and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a particular decision letter, they should contact Sophie Butcher (Tel: 01483 444056)

1.	<p>Mr Richard Booth 1 Colne Way, Ash, Guildford, GU12 6LZ</p> <p>18/P/00790 - The development proposed is the installation of a pedestrian access gate and vehicular access gates with associated vehicle cross over and installation of metal mesh fence immediately inside existing hedging (fence panels will be modified in width/height (or omitted) as necessary to avoid any damage to tree T21; maximum height of all fences and gates will be 2M).</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The main issue is the effect of the proposal on the character and appearance of the locality.• The appeal site is a corner plot with a two storey detached home in an estate of established character with a range of homes and landscape which comes together to create an area of pleasant appearance and some sense of spaciousness. Hedging of some 2 metres high runs along the back edge of the footpath along the rear garden return of the appeal property whilst the frontage is of open nature.• The Council is concerned that the gates and fencing by reason of siting, materials and height would be visually intrusive and impact upon local character.• Locally a significant proportion of rear gardens returns now have screening on or close to the back edge of the footpath and this is now an established characteristic of the area. There are a number of such instances within direct sight or proximity of the appeal site and some of those use screen timber fencing, others tall vegetation and hedging.• In this context timber gates breaking through the hedging would not be out of character or jarring on the eye. The mesh fencing would be sited discretely behind the hedging and would be largely imperceptible.• I do note the Councils concern that the hedging might be removed at some future stage, however, I do not consider fear of hedge removal should be the determining factor in this instance. The proposal as a whole is eminently suited to this area. It would have the benefit of bringing added convenience and security for this household without harm to the character or appearance of the area.• Saved policies G1 and G5 of the Guildford Borough Local Plan are relevant. Taken together and amongst other matters, they are based upon achieving	<p>*ALLOWED</p>
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	<p>good design which respects established street scenes, protects landscape, safeguards spaces of value, and incorporates suitable mean of enclosure. I conclude that the proposal would not conflict with these policies.</p> <ul style="list-style-type: none"> I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the locality and the appeal is allowed. 	
2.	<p>Mr & Mrs Smallbone 1 Willey Green Cottages, Guildford Road, Normandy, Guildford, GU3 2AT</p> <p>18/P/01090 - The development proposed is the erection of a single storey extension to the side of the property.</p> <p>Delegated Decision – To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> The main issues are (i) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2018 (the Framework) and any relevant development plan policies, and (ii) the effect on the openness of the Green Belt. In respect of issue (i), Paragraph 145 of the Framework explains that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, there are a number of exceptions listed and these include the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building. In the case of the appeal scheme, the officer’s report accepts that the proposed single storey side extension would not harm the scale and character of the existing property, nor would it have an adverse effect on the context and character of the adjacent buildings and immediate surroundings. Unfortunately, the report omits any floorspace figures or cumulative percentages increases to the original floor area of the building (there are a total of 7 missing references suggesting that the published report in its draft form, and I must therefore adjust the weight I give it in making my decision on the appeal. The report does however state the dimensions of the building and considers that these, together with the hipped roof, would increase the overall mass, bulk and volume of development on the site. Overall, it is concluded that the floor area, bulk, mass and volume of the extension would be a disproportionate extension and represent inappropriate development in the Green Belt. However, the Design and Access Statement submitted as part of the application provides more information and greater clarity as regards proportionality. The previous extensions to the original building comprise a floor area of 42sqm, an increase of 55% and the current proposal of 18sqm would increase the previous 55% to 78% (albeit this would appear to include 2 or 3 sqm comprising the external walls). The Statement fairly acknowledges this is a considerable cumulative percentage increase and I agree that it is a figure that would be above the maximum figure of most Local Planning Authorities that rely on a quantitative method in assessing whether an extension would be proportionate or disproportionate addition. I consider that the addition is a modest proposal of a good design that would complement the appearance of the host dwelling. I conclude that the single storey extension would not be a disproportionate 	*ALLOWED

	<p>addition to the original dwelling and would not therefore constitute inappropriate development in the Green Belt in conflict with national policies in the Framework and Local Plan policies RE2 and H9.</p> <ul style="list-style-type: none"> • The extension would project from the side of the building to a depth of about 4m as a continuation of the existing stepped ridges of the building and would be positioned to the rear of a close boarded fence. With its modest floorspace, hipped roof and recessed position on a relatively large plot I consider that the effect on the openness of the Green Belt would be modest and of an extent that would not be harmful. • Overall, I conclude that the appeal scheme would not be inappropriate development in the Green Belt and would not have a significant effect on its openness. I shall therefore allow the appeal. 	
3.	<p>Mr Matthew Brooks of MBI Surveyors Unit 4, 75-78 Woodbridge Road, Guildford, GU1 4QH</p> <p>Appeal A 17/P/02193 - The development proposed is a change of use to A3 restaurant with ancillary takeaway (A5).</p> <p>Planning Committee: 23 May 2018 Planning Officer's Recommendation: To Approve Decision: To Refuse</p> <p>Appeal B 17/P/02194 – The advertisement proposed is a new shop front/fascia to replace existing on a like for like basis in Pepes Piri Piri branding.</p> <p>Planning Committee: 23 May 2018 Planning Officer's Recommendation: To Approve Decision: Non-Determination</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • An application for costs in relation to Appeal B was made by Mr Matthew Brooks of MBI Surveyors against Guildford Borough Council and is subject of a separate decision. • In relation to Appeal A, the main issues are the effect of parking and the use of the proposed restaurant and takeaway on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and • The effect of parking for the proposed restaurant and takeaway on the character and appearance of the surrounding area. • Woodbridge Road is a busy main road into the centre of Guildford. The parade of shops comprised of 75-78 Woodbridge Road is located close to a large roundabout on the edge of the town centre. This means that there is a significant level of existing noise and disturbance in this location. • The last use of the unit was a financial or professional services use under Class A2. The proposal would provide a restaurant with takeaway that would result in more customers, deliveries and staff coming and going to and from the premises that the previous use. The opening hours would include opening later into the evening. • I note that the amount of parking would not be up to the amount required by standards, but these relate to maximum provision so the proposal would comply with them. Although parking would be available for use by customers, deliveries and staff, the convoluted route and lack of space 	<p>*ALLOWED</p> <p>*ALLOWED</p>

	<p>means that limited use is likely to be made of the allocated parking spaces, particularly by customers.</p> <ul style="list-style-type: none"> • There would be a degree of additional noise and disturbance from the proposed use on occupiers of neighbouring properties. Nevertheless, this would be modest compared to the existing background levels. • In addition, I note that a condition has been suggested to limit opening hours that would reduce noise and disturbance during the night. • For these reasons, I conclude that the parking and the use of the proposed restaurant and takeaway would not cause unacceptable harm to the living conditions of neighbouring occupiers with particular regard to noise and disturbance. • Given the convoluted route to the parking area, it is likely that customers and staff of the proposed restaurant and takeaway would park in surrounding streets. Whilst this would add to the demand for spaces in the area, that I understand is already busy, it would not affect the character and appearance of the area. • Taking into account all other matters raised I conclude that the proposed change of use of Unit 4, 75-78 Woodbridge Road to a restaurant and takeaway would comply with the development plan and appeal A should succeed. Appeal B should also succeed. <p>Costs Decision Mr Matthew Brooks for a full award of costs against Guildford Borough Council</p> <p>The appeal was against an advertisement for a new shop front/fascia to replace existing on a like for like basis in Pepes Piri Piri branding.</p> <ul style="list-style-type: none"> • The application for costs was on procedural grounds in that the Council decided to defer a decision on the application for express consent for display of an advertisement following the decision to refuse the associated planning application for the change of use of the building. This was to allow the appellant to withdraw the application, should they so wish. • I note that the Council decided that they would have approved this application for express consent at a subsequent committee meeting had this appeal not been made. Had it ever been considered at the earlier meeting, it may have been approved and the advertisement appeal avoided. • I do not consider the Council unreasonable to have deferred the decision for the reason they have given. • Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs must fail. 	<p>REFUSED</p>
<p>4.</p>	<p>Tesco Stores Limited Tesco Express, Lysons Avenue, Ash Vale, GU12 5QF</p> <p>17/P/02111 – The application sought planning permission for the change of use of building to provide class A1 (retail) floorspace with a net sales area of 280m², refurbishment of building including landscaping and new pedestrian access plaza off Lysons Avenue without complying with a condition attached to planning permission Ref 12/P/01871, dated 7 February 2013.</p> <p>The condition in dispute is No 2 which states that: Deliveries shall only be made to and from the site between the following times (with the exception of</p>	<p>*ALLOWED</p>

delivery of newspapers to the site): 08:00 – 17:00 hours on Mondays to Saturdays; 09:00 – 12:00 hours on Bank/National Holidays. There shall be no deliveries on Sundays.

The reason given for the condition is: To safeguard the residential amenities of neighbouring properties and to accord with the agents emails dated 21-09-10 and 08-11-10 and in accordance with policy G1(3) of the Guildford Borough Local Plan 2003 (as saved by CLG Direction 24-09-07).

Delegated Decision: To Refuse

Summary of Inspector's Conclusions:

- Having regard to the reason for refusal I consider the main issue is whether the preclusion on Sunday deliveries for items other than newspapers is reasonable and necessary, having regard to the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.
- The supermarket is accessed via Lyson's Avenue, a 'B' class road and is situated in an area characterised by a mixture of housing and commercial premises. The nearest residential properties to the supermarket's delivery yard are a pair of semi-detached houses at 20 and 22 Station Road East (Nos 20 and 22).
- The area within the immediate vicinity of the supermarket is therefore quite busy with there being road and rail noise in the background. While less transport noise will be generated on Sundays, I would nevertheless expect this to still be a quite active location on Sundays.
- The appellant has submitted that it is expected that there would be up to three deliveries made on Sundays. It is envisaged that one of those deliveries would be of 30 minutes duration, while the other two would each be of 15 minutes duration.
- I find it unsurprising that an up to date acoustic assessment has not been undertaken. That is because, the appellant expects a very limited number of deliveries would be made on Sundays.
- I would expect that with opening times between 07:00 and 22:00 on Sundays that the supermarket's car park would be actively used by customers from early in the morning into the evening period.
- I consider it would be very surprising for the noise associated with the comings and goings of vehicles to the delivery yard and the transfer of goods from those vehicles to the supermarket to be so intense as to be disturbing for the residents of the area, most particularly the occupiers of Nos 20 and 22.
- The Council is critical of both the non-submission of an up to date acoustic report and the noise modelling assumptions made in the 2010 acoustic report. However, the Council has submitted no noise evidence of its own, most particularly the results of any on-site noise monitoring when deliveries are currently being undertaken.
- The absence of a request to submit a new acoustic report or the Council undertaking its own noise monitoring, I consider to be suggestive of any noise arising from Sunday deliveries being at a level that would not in practice be significant for nearby residents.
- I therefore conclude that varying condition 2 to permit deliveries on Sundays between the hours of 10:00 and 16:00 would not be harmful to the living conditions of the occupiers of neighbouring properties. I therefore consider it would be reasonable for condition 2 to be varied to enable deliveries to be

made on Sundays during the hours sought. I therefore consider that allowing deliveries to be made on Sundays between 10:00 and 16:00 would accord with saved policy G1(3) of the Guildford Borough Local Plan of 2003 and paragraph 127f of the revised Framework because no unneighbourly effect on the living conditions (amenity) of the occupiers of the neighbouring properties would arise.

- I conclude that condition 2 should be varied to permit deliveries on Sundays and the appeal is therefore allowed.

Costs Decision

Guildford Borough Council against Tesco Store Limited

The appeal was against the refusal of planning permission for the change of use of building to provide class A1 (retail) floorspace with a net sale area of 280m², refurbishment of building including introduction of new store entrance, alterations to car park layout, additional landscaping and new pedestrian access plaza off Lysons Avenue without complying with condition 2 attached to planning permission 12/P/01871.

- A full award of costs has been sought on a procedural basis. The Council considered that it was unreasonable for the appellant to have included the acoustic report of 2010 with its appeal case. That is because that report was not submitted to the Council with the planning application for the variation of condition 2 and in any event is seven years out of date, given that the supermarket is now trading.
- It is further contended that it was unreasonable for the appellant to have included with its appeal information about the number of deliveries that would be made and their duration, when the information was not provided with the planning application.
- With respect to the submission of the acoustic report of 2010, I consider that its inclusion with the appellant's appeal case was reasonable. That is because the report is one that the Council already had on file, given that it accompanied planning application 10/P/01474 and the Council could referred to it if it had been so minded.
- It was therefore not new evidence from the Council's perspective and/or could have been taken into account prior to the appealed application's determination by the Council.
- Had the acoustic report not been submitted with the appeal, given the content of the previously mentioned email I consider it likely that in any event I would have requested that the report be submitted to assist my understanding of the earlier planning history for this site.
- I accept that it would have been helpful had the appellant included information about the number and duration of the deliveries on Sundays when the application to vary condition 2 was first submitted. However, equally that is information that the Council could have requested prior to the appealed application's determination.
- I am therefore of the opinion that it was not unreasonable for the appellant to have submitted either the acoustic report of 2010 or the delivery number and duration information with its appeal. I therefore consider procedural unreasonableness, giving rise to unnecessary or wasted expense on the Council's part has not been demonstrated when regard is paid to the guidance in paragraph 052 of the PPG.

REFUSED

<p>5.</p>	<p>Mr Mark Reid High Ryde, Old Lane, Mays Green, Cobham, KT11 1NJ</p> <p>17/P/02229 – The development proposed is described as ‘erection of 2 new build dwellings; in the alternative to permission granted under 16/W/00110 (APP/Y3615/W/17/3168185), ‘change of use from agricultural building to dwellings’ together with substitution of agricultural tie from High Ryde Farmhouse to the Plot 2 new build dwelling’.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector’s Conclusions:</p> <ul style="list-style-type: none"> • Although the Council’s decision notice refers to ‘erection of two dwelling houses following demolition of existing building’ the appellant contends that this was not agreed and I have been provided with no confirmation from the Council that it was. • The main issues raised in respect of the appeal are: • Whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policies. • The effect of the proposal on the openness of the Green Belt. • The effect of the proposal on the character of the area. • Habitat and biodiversity at the Thames Basin Heaths Special Protection Area (SPA); and • If the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the proposal. • The appeal site relates to a parcel of land at the east of Old Lane. The site comprises an existing timber barn that parties say was last used for agricultural purposes. The disused barn is sited within a wider open field. A prior approval is in place that would allow for the change of use of this existing agricultural building to a pair of semi-detached dwellings. • Whilst there is a prior approval in place to convert the existing barn to two semi-detached dwellings this has not yet taken place. Therefore, at this present time the proposal, being for residential development, could not be considered to comply with the exceptions of the Framework and this is the test that the Framework sets. • I accept that the proposal would represent an overall reduction in developed footprint at the site and the new dwellings would be the same height as the existing barn. Therefore, the proposed development would not be materially larger than the one it would replace. The proposal would also to some extent share a common footprint with the existing building. • Nonetheless, proposed plot 1 dwelling would extend built development beyond the footprint of the existing building and into open land. As such, there would be a greater spread of development at the site. This is a significant impact of the proposed development and materially different to the existing established development at the site. • I acknowledge that the prior approval would allow for two residential units in this location but this would relate only to the existing barn structure itself. Unlike the prior approval this proposal would incorporate the land within the appeal site red line boundary and create residential curtilage. • I consider the redevelopment of this site would be likely to appear more extensive and this therefore represents a greater encroachment into the countryside than that of the current building. 	<p>DISMISSED</p>
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	<ul style="list-style-type: none"> • The projection of built development, residential garden curtilage and creation of accesses and parking areas would have a negative effect on the openness of the Green Belt. • The proposal would not preserve the Green Belt openness and would impact on the purpose of safeguarding the countryside from encroachment. For this reason, there would be harm arising from the development, in addition to that arising from the inappropriate nature of the development. • The site is located within the countryside characterised by farm land, agricultural buildings and some dwellinghouses. The modern design of the proposed dwellings which include large windows, particularly those passive solar gain windows, timber cladding and box like form, would not have the appearance of a typical rural building. • The proposed dwellings and accesses, along with related domestic paraphernalia, landscaping and enclosures associated with the residential use of the site, would have an urbanising impact on the site. • Furthermore, the removal of sections of the boundary verge, hedge and potentially some existing large trees that run alongside the highway, would also have a negative visual impact upon the rural character and appearance of the country lane. • Taken collectively the proposed development would be significantly visually out of keeping within this rural context and for this reason the proposed development would be harmful. • I conclude that the proposed development would have a harmful effect upon the character and appearance of the area. The proposal would therefore be contrary to policies G5 and RE2 of the Local Plan, which amongst other matters, require development to respect established areas. • The site lies within 400 metres to 5 kilometres of the Thames Basin Heaths SPA where there may be a likely significant effect as a result of increased recreational activity arising from new residential development. The Council indicates that a Section 106 planning obligation would be required to secure a financial contribution toward mitigating the harm arising from the proposed residential development. • In conclusion, I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework. The scheme would result in harm to the openness of the area. The other considerations hold little weight and do not clearly outweigh the harm, which is the test that they have to meet. The proposed development would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. • Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. The proposed development would conflict with policies RE2 and G5 of the Local Plan and the advice in the Framework. Therefore for the reasons given I conclude that the appeal should fail. 	
<p>6.</p>	<p>Pizza Express Pizza Express, 237 High Street, Guildford, GU1 3BJ</p> <p>18/P/00842 – The advertisement proposed is 1 set of externally illuminated fascia text – to replace existing; 1 externally illuminated roundel – to replace existing; externally illuminated projection sign – to replace existing.</p> <p>Delegated Decision: To Refuse</p>	<p>DISMISSED</p>

	<p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issue is the effect of the advertisement on the visual amenity of the Guildford Town Centre Conservation Area. • The Council worked with the appellant to achieve an appropriate scheme for the conservation area and this was then approved under advertisement consent application 17/P/01963. However, the appellant then installed signage that was not in accordance with the approved details. • For the appellant it is argued that because of the alterations to the shopfront approved under permission 17/P/01963 the fascia size increased slightly, and it was considered that the permitted signage would have been lost in the fascia and disproportionately small to the building. Accordingly, the size of the installed signage was increased to relate better to the building and the conservation area. • Given the existing prominence of the building, I consider that the signage scheme negotiated under the approved consent struck the correct balance between the competing commercial and public interest issues; a balance that is needed to maintain vitality but also preserve amenity. • The appeal scheme, and in particular the increased fascia depth and lettering size on the southern elevation of the building, appear incongruously large and unduly assertive, both in themselves and in relation to the more restrained context of the varied signage in this part of the conservation area. • The increase in sizes from the approval and visual impact of the roundel and projection sign are in my view less detrimental, but if the fascia and lettering referred to above are reduced to their previously approved scale they would also then become incongruously large. I also note that in addition to the Council's concerns there is an objection to the appeal scheme signage from the Guildford Society, which expresses similar views to those of the Council. • I have taken account of the other matters raised in the appeal, but these do not alter my findings that the signage now proposed has a detrimental impact on the visual amenity of the conservation area, and thereby on its character and appearance, which would not be preserved. • The appeal is therefore dismissed. 	
<p>7.</p>	<p>Mr B Lewis of St John's Close Developments Ltd Land opposite 74-80 The Chase, Guildford, Surrey, GU2 7UL</p> <p>18/P/01181 – The development proposed is the erection of 1.20m tall galvanised chain link fencing on metal posts for safety protection of an open ditch adjoining the public highway.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • An application for costs was made by Mr B Lewis of St John's Close Developments Ltd against Guildford Borough Council. This application will be the subject of a separate decision. • The main issue is the effect of the proposed fence on the character and appearance of the surrounding area. • The Chase is a busy road and bus route through this part of Guildford that leads to a roundabout and junctions with the A3. The section of road past the appeal site includes a narrow pavement from the junction with St John's Road to the bus stop opposite 72 The Chase. 	<p>DISMISSED</p>

<ul style="list-style-type: none"> • The proposed 1.2m high chain link fence would extend alongside the pavement and to the rear of the grass verge. It would have a utilitarian appearance at odds with the natural appearance of the ditch and grass verge as well as domestic character and appearance of the surrounding area. • The fence is of a design that would allow planting to grow through it over time and disguise the fence to some extent. There are a variety of styles and designs of fences in the surrounding area, including similar to that proposed. Nevertheless, this is a particularly prominent location in which the style and extent of fence proposed would appear incongruous. • For these reasons, I conclude that the proposed fence would harm the character and appearance of the surrounding area. As such, it would conflict with policy G5 of the Guildford Borough Local Plan and the Framework that seek development to respect the context of the development including views, height and materials of the surrounding environment, and ensure new development integrates into the existing townscape. • A fence to the rear of the pavement would restrict access to the ditch and would assist the safety of pedestrians using the pavement. It is unclear why the fence needs to be of the design and height proposed, or the length beyond the end of the pavement, in order to protect the safety of pedestrians. It would have limited effect on disposal of items into the ditch and restricting access to the ditch. Consequently, the need for the fence would not outweigh the harm I have identified to the character and appearance of the area. • A planning application for the development of this site for student accommodation has been submitted. If that were approved, the fence would be required only for a temporary period. Nevertheless, the proposal is for a permanent fence and if the area containing the ditch were to remain undeveloped, it would remain. • I conclude that the proposed development would not accord with the development plan. Thus having had regard to all other matters raised the appeal should be dismissed. <p>Costs Decision Mr B Lewis of St John's Close Developments Ltd against Guildford Borough Council</p> <ul style="list-style-type: none"> • The appellant has sought procedural and substantive awards for costs. They have suggested that the Council have acted unreasonably in not attributing the appropriate weight to the need for the fence, relating to the ownership of the land and the design of the fence. • I understand that matters relating to the ownership of the appeal site were resolved during the course of the planning application, as set out in the Council's response to the cost application. • As the land ownership dispute concerned only the Council and appellant, both parties to the appeal, I concluded that no party was prejudiced by this. On that basis, reopening this issue at that late stage was unnecessary. As such, reopening the ownership matters constituted unreasonable behaviour that has caused unnecessary or wasted expense to the appellant in the appeal process. • The report of the Council into the application did not specifically address the safety of users of the pavement in close proximity to the ditch and that is somewhat unreasonable. Nevertheless, the report does refer to the ditch 	<p>ALLOWED</p>
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	<p>and maintenance access. Given the Council's other considerations, there is limited evidence that would have led to a different decision by the Council. As such, it has not led to unnecessary or wasted expense in the appeal process.</p> <ul style="list-style-type: none"> • The design and appearance of the fence and the effect that has on the character and appearance of the area is a largely subjective matter. As such, it is not unreasonable for the Council to come to the decision they have. • As a result, this matter did not result in unreasonable behaviour by the Council. • I understand that the Council did not notify the appellant that they intended to refuse the planning application or offer to discuss it. However, I understand that the Council did not consider that alterations to the proposed development would overcome their concerns. As a result, it was not unreasonable to deal with the application as submitted. • I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has only been demonstrated in relationship to late submission of information relating to the ownership of the appeal site. 	
8.	<p>Mr & Mrs Hall 90 Epsom Road, Guildford, GU1 2DH</p> <p>17/P/02207 – The development proposed is the erection of 1 no. dwelling with detached double garage, following demolition of an existing side extension to no.90 Epsom Road.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the access to the proposed dwelling on the living conditions of neighbouring occupiers of 90a Epsom Road with particular regard to noise and disturbance. • The effect of the proposed dwelling on the character and appearance of the surrounding area; and • The effect of the proposed development on the Thames Basin Heaths Special Protection Area. • 90 Epsom Road comprises a detached dwelling with large front and rear gardens and a single storey extension close to the boundary with 90a Epsom Road. No. 90a is located on a significantly smaller plot than no.90. • The proposal would provide an access drive to the proposed dwelling in the position of the single storey extension at no.90 that is to be removed. The access drive would extend along the side of the whole garden on no.90a, with limited space for landscaping or other boundary treatment between the access and boundary. • I note that the proposal is for a single dwelling close to services and facilities within Guildford that would limit the number of vehicle movements to and from the proposed development. Nevertheless, occupants of no.90a would be able to hear vehicles as they drive along the access to and from the proposed dwelling from within the house and garden. • For these reasons, I conclude that noise and disturbance arising from the access route to the proposed dwelling would harm the living conditions of neighbouring occupiers of 90a Epsom Road. As such, the proposal would be contrary to policy G1 of the Guildford Local Plan. • 90 Epsom Road is located within the buffer zone for the Thames Basin 	DISMISSED

	<p>Heaths Special Protection Area (TBHSPA) that is designated under the Habitats Directive. The Council has requested a legal agreement under S106 of the Town and Country Planning Act 1990 that would provide contributions toward the Council's costs in maintaining and managing areas of SANGS and toward SAMM. Such a legal agreement has not been provided in support of the appeal.</p> <ul style="list-style-type: none"> • I conclude that the proposed development would result in harm to the TBHSPA. As such, the proposed development would conflict with policies NE1 and NE4 of the LP and Policy NRM6 of the SEP that seek to protect the integrity of, or have an indirect adverse effect on, the TBHSPA and the habitat it provides to protected species, including providing mitigation measures within 5km. • The proposed dwelling, given its substantial roof, would be visible from the surrounding dwellings. There are no other backland houses in the area surrounded by Epsom Road, Tangier Road and St Omer Road, albeit there are others in the surrounding area. • Nevertheless, the proposed chalet bungalow would not be excessively prominent such that the effect of this visibility on the character and appearance of the area would be limited. The individual, traditional, design of the proposed building would respect the varied character and appearance of the area. • For these reasons, I conclude that the proposed dwelling would not materially harm the character and appearance of the area. As such, it would not conflict with Policy H4 of the LP that seeks residential development to be in scale and character with the area and have no unacceptable effect on the existing context and character of adjacent buildings and the immediate surroundings. • I have found that the proposal would contribute a single dwelling to housing supply that would not result in material harm to the character and appearance of the surrounding area. However, that is not sufficient to outweigh the harmful effect the works would have on the living conditions of occupiers of 90a Epsom Road or the TBHSPA. Given that results in conflict with the development plan policies, I conclude that the proposal would be contrary to the development plan as a whole. 	
<p>9.</p>	<p>Mr Allan Grimshaw 24a Cranley Road, Guildford, GU1 2JS</p> <p>18/P/00977 – The development proposed is an amendment to approved scheme 17/P/02619, adding a loft room.</p> <p>Delegated Decision: To Refuse</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none"> • The main issues are the effect of the proposal on the context and character of the adjacent dwelling, Shortlands, and its immediate surroundings and the effect on the outlook from Shortlands and no.22 Cranley Road. • In the Council's view it is the overall size and in particular the height, bulk and mass of the two storey side extension that would have an unacceptable effect in respect of both the above main issues. • As regards the first issue of the building's proposed appearance at the side of Shortlands, I saw on my visit that the combination of the two buildings' different sizes, designs and the change in land levels already results in a disparity of character and appearance that makes this part of the Cranley Road street scene appear somewhat incongruous. 	<p>DISMISSED</p>

<ul style="list-style-type: none">• In particular, there is a perception that Shortlands is unduly dominated by its larger neighbour and it might be reasonably argued that the implementation of approval under 17/P/02619 would already exacerbate this harmful effect.• I agree with the Council's view that by virtue of its size, height and mass in such close proximity to Shortlands, the appeal proposal would be in direct conflict with proviso 3 of Policy H8 of the Guildford Borough Local Plan 2003.• The second issue, the effect on the outlook from Shortlands and 22 Cranley Road, is closely related to the matters already considered. However, in relation to the rear garden of the latter I visited this property and concluded that although the extension would increase the prominence of the appeal building in the outlook, the combination of a greater distance, an offset relationship and the reasonable size of the garden would be such as to prevent the proposal being unduly overbearing.• On the other hand, the rear garden of Shortlands is smaller and directly adjacent to the site of the proposed extension. I consider that any further addition of built form would inevitably exacerbate the harmful perception of an overbearing effect with an associated feeling of undue enclosure. I also consider that it would apply to the outlook from the first floor rear windows of Shortlands, albeit to a lesser extent because of the oblique rather than direct views.• The Council says that the effect on the outlook of neighbours would be contrary to Local Plan policies H8 and G1(3), but as the grounds of appeal point out, this is not the case, especially as the Council accepts the conclusions of the Daylight and Sunlight Study.• In reaching my conclusions on both issues, I have given careful consideration to the grounds of appeal and taken the points raised into account before reaching my decision.• In particular, I acknowledge that the extended roof sloping away from Shortlands is a mitigating factor, as is to a lesser degree the slight aesthetic improvement in the building's design and appearance compared with the approved scheme.• However, the particular circumstances of this case are that (i) the rear garden of Shortlands is already rather dominated by the flank of 24a (and this can only be really appreciated by a visit to that dwelling); (ii) the side extension approved under permission ref: 17/P/02619 will increase the perception of the appeal property closing down the outlook from that vantage point and (iii) the current proposal to increase the ridge height to accommodate a loft room would add still further to that harmful impact.• I acknowledge that the removal of the unsightly existing garage would be an advantage of the scheme, but this would also apply to the approved proposal.• I conclude on balance that the appeal should be dismissed.	
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