

Planning Committee

6 November 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: strategy and sites 2015 - 2034 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>Appeal A Woking Labour Club and Institute Ltd Against an Enforcement Notice EN/18/00078 which was issued on 29 November 2018. Land and buildings known as 38 South Lane, Ash, Guildford, GU12 6NG</p> <p>Appeal B Sharaz Homes Ltd against an Enforcement Notice EN/18/00078 which was issued on 29 November 2018. Land and buildings known as 38 South Lane, Ash Guildford, GU12 6NG</p> <p>15/P/00391 – The development proposed is to demolish an existing bungalow, raise ground level and construct 1 No. detached houses (4 bed), 1 pair of semi-detached houses (2 x three bedroom) and a terrace of three houses (3 x three bedroom) and associated access, amenity and parking. The conditions in question are Nos 2, 4 and 10).</p> <p>Planning Committee: 18 May 2016 Decision: Refused Recommendation: To Approve</p> <p>Summary of Inspector's Conclusions:</p> <ul style="list-style-type: none">• The main issues are the effect on varying conditions 2 and 4 relating to pedestrian access, layout of gardens and landscaping would have on the character and appearance of the surrounding area.• The effect that removing or varying condition 10 requiring a drainage scheme would have on flood risk; and• The effect that removing or varying condition 2 relating to cycle storage would have on efficient, safe and accessible means of transport with an overall low impact on the environment. <p>Character and appearance</p> <ul style="list-style-type: none">• The development subject of the enforcement notice comprises a pair of semi-detached houses, row of three terraced houses and a detached house. The areas of parking and hardstanding to the front are substantial, with hedges between the parking spaces in front of the dwelling and adjacent to the boundary fence to the neighbouring properties. This contrasts with the approved, which showed substantially more green landscaping to the front of the houses and around the parking areas,	<p>DISMISSED ENFORCEMENT NOTICE UPHELD</p>
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including in the corner beside the entrance drive and at the end of the turning area between the terrace and detached house.

- The layout and limited amount of planting results in a substantial area of hardstanding to the front of the houses and between the terrace and detached house that contrasts with the more spacious and greener surrounding development.
- Although visible only from limited public vantage points along the access drive and from surrounding properties, this results in a somewhat harsh and incongruous character and appearance to the development.
- I conclude that the completed landscaping results in harm to the character and appearance of the surrounding area. As such it conflicts with policies D1 of the LPSS, G5 of the LP and the NPPF that seek high quality design that responds to the distinctive character of the area, including a high standard of landscape design.

Flood Risk

- Condition 10 of planning permission 15/P/00391 required details of a drainage scheme be approved and constructed prior to first occupation of the dwellings. I understand that a scheme was submitted and approved by the Council under reference 17/D/00017. However, the development was constructed with drainage other than in accordance with that scheme.
- The works undertaken are likely to lead to surface water flooding of neighbouring gardens and ponding at 40 South Lane. The revised details submitted would not overcome these concerns.
- I conclude that the drainage works as completed have led to an increase in flood risk. The alternative scheme in the revised plans has not demonstrated that it would overcome the flood risk. They conflict with Policy P4 of the LPSS, Policy G1 of the LP and the Framework that seek adequate land drainage to meet the needs of the development and that it would not result in an increase in surface water run-off.

Cycle Storage

- No cycle storage has been provided in accordance with drawing P.01 Rev D. I note the Council suggest the revised location of cycle parking shown on drawing BR.001 Rev C would be acceptable. Whilst I see no reason to disagree with their conclusion in this regard, I have already concluded that the landscaping proposals on that drawing would result in harm to the character and appearance of the area. As a result, there is no viable alternative scheme for provision of cycle parking.
- For these reasons, I conclude that the lack of cycle parking means the development does not contribute to an efficient, safe and accessible means of transport with an overall low impact on the environment.

The appeal on Ground (f)

- I conclude that the requirements of the notice do not exceed what is necessary to remedy the breach of planning control. The appeal on ground (f) therefore fails.

The appeal on Ground (g)

- An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed.
- The appellant is legally obliged to comply with the requirements of the notice and it is necessary for the period for compliance to be clear. As such, an open-ended period would not be appropriate.
- A period of 6 months for the scheme to be installed would be reasonable. I consider that the compliance period for completion of the landscaping works should be the same. The appeal on ground (g) therefore succeeds to this limited extent.

	<ul style="list-style-type: none">• I conclude that the appeal on ground (g) should succeed while the appeals on grounds €, (a) and (f) fail. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.	
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