
Appeal Decision

Site visit made on 19 September 2016

by Christa Masters MA (hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2016

Appeal Ref: APP/Y3615/W/16/3152222

Hurst House, High Street, Ripley, Surrey GU23 6AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robin Hurst against the decision of Guildford Borough Council.
 - The application Ref 15/P/02046, dated 20 April 2015, was refused by notice dated 17 December 2015.
 - The development proposed is demolition of existing workshops and offices to allow redevelopment of an office unit and 7 two bedroom two storey houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The third reason for refusal relates to the possible effects of the development on the Thames Basin Heaths Special Protection Area (TBHSPA). A signed Section 106 Agreement was submitted dated 6 October 2016. This document makes provision for payments to cover contributions towards a SANGS contribution as well as an access and management monitoring contribution. The Council have confirmed that on the basis of this document, the third reason for refusal has been withdrawn. I shall return to this matter below.
3. There appears to be a discrepancy on the plans in relation to the layout of the development as shown on drawings HH-02-001 revision P2 block plan and location plan and HH-03-100 revision P2 ground floor plan and the layout of the development as indicated on the key plan as set out in the elevation drawing HH-04-111 revision P3.

Main Issues

4. This appeal has two main issues. The effect of the proposal on the living conditions of the existing and future occupiers of Farris Stables and Richardson's Hardware. Secondly, whether the proposal preserves or enhances the character and appearance of the Ripley Conservation Area.
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Reasons

The effect of the proposal on the living conditions of the existing and future occupiers of Farris Stables and Richardson's Hardware

5. The appeal site is bounded by the rear gardens of the residential properties known as Farris Stables and Richardson's Hardware. Farris Stables is a residential dwelling with an extensive rear garden. This garden is clearly well used and runs along the north eastern boundary of the site. I was able to view the appeal site from this rear garden as part of my site visit. The existing development with its corrugated roof is evident from certain vantage points within the garden. The boundary currently consists of a high wall which is completely covered in vegetation.
6. The layout as shown on drawing HH-03-100 revision P2 dated March 2015 indicates that the commercial space (H1) and dwelling (H2) would be separated from the rear boundary by private amenity space measuring 4m in depth. Given the separation distances and the fact that the existing building at Farris Stables extends along this part of the boundary, the location of this part of the development would not have an adverse effect on the living conditions of the existing and future occupiers of Farris Stables. The Council's concerns appear to relate to the rear elevations of dwellings 3-6 which would be located 1m from this boundary. The Council state that this would have an overbearing impact.
7. Whilst I accept that the dwellings would be set back by 1m, the rear elevations would be significantly taller than the existing boundary. Even taking into account this set back, I am concerned that the rear elevations of the properties extending the entire length of the rear garden, would create an unneighbourly form of development in such close proximity to the rear garden.
8. The Council also contend that the proposal would result in significant overshadowing to the rear garden. I have no technical evidence to support this view and note that the appellant has been unable to gain access to undertake such an assessment. In my estimations, given that the rear garden is north facing, it is likely that the positioning of dwellings 3-6 would have an adverse effect, particularly in terms of overshadowing during the afternoon and evening periods. I therefore share the Council's concerns that this could result in material harm in this regard.
9. I also note the occupiers of Farris Stables have also raised concerns regarding loss of light to the ground floor living room. Again, from my own observations and in the absence of any technical assessment to persuade me to a different view, given the positioning and scale of dwellings 3-6 as proposed, I conclude that the proposal would result in further material harm on this regard.
10. Turning to consider the Richardson's Hardware site, the rear garden also runs parallel with the appeal site and the proposal would see 2 residential units positioned close to this boundary. I was not able to view the appeal site from this garden area during my site visit. However, the boundary is already separated by a brick wall and there is a large greenhouse located within the rear garden as well as extensive vegetation running along this boundary. The photographs submitted by the Council indicate that the large expanse of roof of the existing workshop on the appeal site is readily visible from this garden.

11. In contrast with the boundary with Farris Stables, only 2 dwellings would be positioned close to the boundary with Richardson's Hardware. The remainder of the site next to this boundary would be used as car parking bays associated with the development. This is how the area is currently used. Given that the extent of built development to this boundary would be limited to two dwellings, I am not convinced that the proposal would have an overbearing impact on the rear garden of Richardson's Hardware. Notwithstanding that the decision notice refers to overshadowing to this garden, the committee report states that any overshadowing would be limited to a small period in the morning. I concur with the latter view and I am therefore of the opinion this would not result in material harm.
12. I therefore conclude on the first main issue, the proposal would have a harmful effect on the living conditions of existing and future occupiers of Farris Stables. As a consequence, the proposal would conflict with policy G1(3) of the Guildford Borough Local Plan (LP) 2013. This policy relates to the protection of amenities enjoyed by occupants of buildings and advises, amongst other things, that the amenities enjoyed by occupants of buildings are protected from unneighbourly development. In addition, the proposal would also conflict with the Framework and in particular, paragraph 17 which advises, amongst other things, that proposals should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and Appearance

13. There is no Conservation Area appraisal available. However, the Ripley Conservation Area extends to cover a majority of the village centre. The centre is characterised by buildings set in a linear pattern facing the High Street with a mixed pattern of development behind these frontage properties. The appeal site comprises a large single storey office and workshop with an area of hardstanding allowing vehicles to turn and park within the site. The existing building has a corrugated roof and is utilitarian and unremarkable in appearance. I agree with the Council's assessment that the existing structure does not make a positive contribution to the Conservation Area. The workshop is currently used for car storage. The surrounding land uses are mixed commercial and residential in nature. Hurst House, which adjoins the site, as well as the Richardson's Hardware Building are grade II Listed. The site is accessed through an archway which runs beneath the first floor of Hurst House.
14. The proposal would provide for 7 two bedroomed townhouse dwellings and modern office space. The office use would be set back behind Duncan House. As established above, the dwellings would be set in a linear pattern with 5 dwellings and commercial space along the north eastern boundary of the site and the remaining two dwellings would be located in the southern corner where the site abuts the rear garden of the Richardsons's Hardware. Although the 5 dwellings and office would extend the full length of the site, there would be a courtyard area, communal garden and parking areas to the frontage of these properties creating a courtyard area and sense of space within this central location. Furthermore, the existing workshop area extends along this north eastern boundary, albeit at a much lower height than proposed by the appeal proposal. The location and positioning of the dwellings is in townscape terms reflective of the established pattern of development in the area.

15. In terms of the size and scale of the dwellings, these would be 2 storeys in height and whilst taller than the existing workshop, would be proportionate in scale and form to the surrounding frontage buildings along the High Street. Spacing would also exist between the pairs of dwellings as proposed. The design of the dwellings would be contemporary using brick and zinc roofing. Notwithstanding my conclusions above in terms of living conditions, I am satisfied that in terms of character and appearance only, the proposal would be of an appropriate size and scale to the site and the wider townscape.
16. The Council have raised concerns regarding the quantum of development proposed. However, I have no evidence before me to explain why the quantum of development is considered to be overdevelopment. As such, the weight I can attach to this statement is limited. The proposal would provide for 12 parking spaces in accordance with the development plan standard. These would be set back within the site. The view from the High Street would change from the existing workshop/garage doors to one primarily of the courtyard area, with oblique views of the parking bays and dwelling No 8 possible. As such, I am unable to agree with the Council's assertion that the car parking layout as proposed would dominate the site.
17. I therefore conclude on the second main issue, the proposal would enhance the character and appearance of the area. It would, as a result, accord with policy HE7 of the LP. This policy relates to new development in conservation areas and is a 6 part policy. It advises, amongst other things, that new development should preserve or enhance the character or appearance of the Conservation Area. Consideration should also be given to the impact of development on the townscape and the need to apply a consistently high standard of design. Policy G5 is also referred to in the reason for refusal, however I have not been provided with a policy which correlates with this reference number.
18. Taking the above into account, the proposal would therefore be consistent with paragraph 132 of the Framework which anticipates that great weight should be given to the conservation of heritage assets. For these reasons, I conclude that the proposal would enhance the character and appearance of the Conservation Area, in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other matters

19. The drawing attached to the Section 106 Agreement is HH-02-001 revision P2 dated March 2015, block plan and location plan. However, the same drawing number also dated March 2015 before me indicates a different layout. Notwithstanding the error above, I agree the payments identified are in accordance with the objectives of policies NE1 and NE4 of the LP. However, the error above means that I am unable to conclude that that the matter has been satisfactorily addressed and that the agreement would comply with the tests set out in the National Planning Policy Framework and Regulation 122 of the Community Infrastructure Levy regulations 2010 (the CIL regulations). As I am dismissing the appeal for other reasons, I have not gone back to the parties on this point.
20. The Council state that they are unable to demonstrate a five year supply of housing land although they have not identified the extent of this shortfall. In this context, I acknowledge the contribution that the site would make to the supply of housing within the Borough. I also note that a number of letters of

support have been submitted. The appellant has referred to the potential for the site to provide a direct link to the adjoining public car park if a footpath were promoted. This does not form part of the appeal proposal and as such, the weight that I can attach to such a statement is limited.

21. Interested parties including Ripley Parish Council have raised concerns regarding the highways implications of the proposal. I note that in terms of the County Highways Authority consultation response, they are satisfied that the likely net additional traffic generation, access arrangements and parking provision are acceptable and would not have a material impact on the safety and operation of the adjoining public highway. The existing access is established and in use. In my estimations, given the current use of the site, it is likely to be subject to a significant number of vehicular traffic movements. As a result, I concur with the views expressed by the Highways Authority that the proposal is unlikely to result in a material increase in traffic movements in this regard.
22. Additional concerns have been raised regarding overlooking to adjacent properties, noise, loss of commercial space, and the existing housing development which has already taken place in Ripley. In terms of overlooking, taking into account the positioning of the windows and the use of obscured glass where indicated, I do not consider the proposal would result in material harm in this regard. Commercial space is included within the scheme. In terms of noise, I have no technical evidence to support this assertion. However, given the commercial nature of the existing activities on the site, I am not persuaded that the proposal would result in any material harm in this regard. Furthermore, in terms of other housing developments in Ripley, each proposal must be considered on its own merits as is the case here.

Conclusion

23. I acknowledge the contribution that the site would make to the supply of housing within the Borough. I also note that the appeal proposal would enhance the physical attributes of the Conservation Area. However, these factors do not outweigh the significant harm which I have identified that would be caused to the living conditions of the existing and future occupiers of Farris Stables. For this reason, the appeal should be dismissed.

Christa Masters

INSPECTOR