
Appeal Decision

Site visit made on 11 October 2016

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/Y3615/W/16/3150853

Land rear of 142-154 New Road, Chilworth, Surrey GU4 8LX

- 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 T Hill against the decision of Guildford Borough Council.
 - The application Ref 15/P/00839, dated 29 April 2015, was refused by notice dated 21 April 2016.
 - The development proposed as described in the application is for nine detached residential dwellings with parking and associated garden areas.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 7 November 2016.

Decision

1. The appeal is allowed and planning permission is granted for the erection of six two storey semi-detached dwellings and two two-storey detached dwellings, all with attached garage and associated garden areas at rear of 142-154 New Road, Chilworth, Surrey GU4 8LX in accordance with the terms of the application, Ref 15/P/00839, dated 29 April 2015, subject to the conditions attached to the Schedule.

Procedural Matters

2. The description in the banner heading above was taken from the application form. The number of units proposed was subsequently changed and the Council's decision correctly referred to six two storey semi-detached dwellings and two two-storey detached dwellings, all with attached garage and associated garden areas (amended plans received 15/2/16). This was also the description of development stated in the appeal form.
3. Accordingly, the appeal proposal is for the erection six two storey semi-detached dwellings and two two-storey detached dwellings, all with attached garage and associated garden areas and I have considered the appeal on this basis.

Main Issues

4. The main issues in this appeal are the effects of the development on the character and appearance of the area and whether the proposal would provide a level of parking within the site sufficient to avoid highway safety problems.
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Reasons

Character and appearance

5. Policy RE2 of the Guildford Borough Local Plan (2003) (LP) says that within the Green Belt new building will be deemed inappropriate unless, amongst other things, it comprises infilling in villages to the extent specified in Policy RE3. This policy states that within the boundaries of settlements in the Green Belt, such as Chilworth, development of an appropriate scale and design will be permitted on land substantially surrounded by development or for developments that infills an otherwise continuous built up frontage. The policy is consistent with the National Planning Policy Framework (Framework) in respect of limited infilling in villages and which are not by definition inappropriate development in the Green Belt. A caveat of Policy RE3 is that infilling will not be permitted where the development harms the character or appearance of an area.
6. The appeal site comprises a couple of small fields between the rear of New Road properties and the railway line. The development would be accessed from St Thomas Close and would take a similar alignment as existing houses on the Close. Six of the properties would face the extended access road with a further two served off a private drive leading from the turning area to the proposed cul de sac.
7. The site is located within an established residential area within the identified settlement limits and within a *washed over area* of the Green Belt. The concept of *washed over area* does not feature in the Framework and instead explains that if it is necessary to prevent development in a village because of its contribution which the open character of the village makes to the openness of the Green Belt, the village should be included within the Green Belt. If however the character of the village needs to be protected for other reasons, other means should be used and the village should be excluded there from. Other means can include normal development management policy considerations.
8. My attention has been drawn to two previous appeals involving this site for different scales of residential development. Both appeals were dismissed largely on the grounds that the Inspectors in applying LP Policy RE3 did not believe that the site was substantially surrounded by existing development. Both appeals predated the Framework and in particular the need to boost significantly the supply of housing as set out in paragraph 47.
9. By contrast, an Inspector in allowing an appeal on a different site in the same Borough¹ found that whilst LP Policy RE3 had been overtaken by paragraph 89 of the Framework, he did not find that the additional requirement within Policy RE3 for infill sites to be substantially surrounded by existing development amounted to inconsistency with the Framework. Despite the policy being inconsistent with the Framework in other respects, I would not disagree with The Inspector's view in this regard. I also accept the appellant's contention that the railway line can reasonably be described as development although not necessarily *built* development, which is rather academic given that the policy itself also talks about development in a wider sense.

¹ APP/Y3615/A/12/2184747

10. Whilst the planning officer's report erred on the side of caution in terms of whether Policy RE3 should prevail as a material consideration, possibly because of the apparent inconsistencies between the appeal decisions, he is correct to describe the site as providing a suitable infill opportunity particularly as development on this site would not and could not increase the extent to which the village of Chilworth impacts on the openness of the Green Belt. This approach would mean that Policy RE3 is indeed consistent with the Framework. The officer was also correct in my view to determine that this site is a sustainable location for the purposes of housing development. This is important in the context of paragraph 49 of the Framework. I am therefore satisfied that the site, both functionally and visually, forms part of the established and developed part of the settlement, which satisfies the terms of Policy RE3.
11. Taking the above matters into consideration, the Council's case proceeds to consider whether the proposed development would be harmful to the character and appearance of the area. LP Policy G5 provides a comprehensive design coding approach to the design of new developments in the Borough covering several aspects including scale, proportion and form together with layout and context. Whilst there is a variety of building styles and differences in the degree of spaciousness of development in the neighbourhood, the development appears entirely consistent with the form, layout and architectural detailing of St Thomas Close development. In terms of rear garden depths, it is quite unreasonable to compare the appeal proposal with the rear garden depths of New Road properties which are exceptionally long. It is however reasonable to compare those of St Thomas Close and in this regard, the proposed gardens are of similar depth. I do not accept the contention that the proposed access, vehicular turning and parking arrangements results in a visually cramped and incongruous development. Whilst beyond the railway line, the character takes on a more semi-rural character, the essential qualities to the south of the railway line is of a suburban character.
12. In conclusion on this main issue, the proposal by virtue of its scale, density, layout and provision for access and parking would not cause any harm to the character and appearance of the area and would not constitute overdevelopment.
13. Consequently, the proposed development would comply with policies RE3 and G5 of the LP. These policies in seeking to protect the character and appearance of the *washed over area* of villages within the Green Belt seek to ensure that development does not harm the visual character and distinctiveness of the locality, particularly in terms of design and scale, is of a high design quality and is appropriate in terms of height, form and appearance. In addition, the scheme is in accordance with the guidance set out within section 7 of the Framework in terms of design.

Parking provision and highway safety

14. The Council's concern relates to the over-provision of in-curtilage parking facilities comprising of driveways and domestic garages and the lack of provision for visitor parking. The Council has again introduced the concept that the site is located within a semi-rural location, which I have found difficult to reconcile as set out above. I also note the position as stated at the time of the application when the Planning Committee was told that the development was

sustainable. These factors to my mind indicate that the appeal site forms part of a suburban setting within a large village that also has access to good public transport facilities.

15. The Council's parking standards within its Supplementary Planning Document (SPD) sets out maximum car parking standards, which in terms of dwellings sets out an advisory² minimum of two car spaces per 3 or more bedroom unit with a preference for assigned parking spaces within the curtilage of the site. Whilst the SPD explains that the Council is particularly concerned about small scale developments and will consider such schemes carefully because of the cumulative impact on on-street parking, there is no evidence to suggest that there is a material deficiency in the immediate neighbourhood. Nor has it been demonstrated that even if there was a material deficiency, it would be bound to have a harmful effect on highway safety.
16. The Framework seeks to maximise public transport, walking and cycling, and advises that parking standards should take account of the accessibility of development and the levels of car ownership. The Written Ministerial Statement (WMS) dated 25 March 2015 highlights that local parking standards should only be imposed where there is clear and compelling justification. The parking provision proposed for the eight units would not result in a material shortage in parking provision off road in this location. Accordingly this proposal accords with LP Plan Policy G1(1) and also with the provisions of the Framework, which seek to provide adequate parking provision thereby avoiding harmful amenity and highway safety issues.

Other matters

17. A resident of the neighbouring housing development believes that there may not be a right of access across St Thomas Close. However, planning is concerned with the use and development of land; private rights fall outside the planning system and I cannot consider this issue further.

Conditions

18. The Council has suggested ten conditions and I have had regard to these in the light of the guidance set out in the Planning Practice Guidance. In addition to a condition setting out the timeframe for commencement, a condition specifying approved plans is necessary to provide certainty.
19. Conditions are also necessary to require the Council's prior agreement to external finishing materials and landscaping and subsequent implementation in the interests of protecting the character and appearance of the area. For similar reasons an arboricultural method statement is also necessary to protect existing trees considered worthy of retention.
20. A condition is also necessary requiring the submission, approval and implementation of recommendations of a noise report in the interests of residential amenity. Similarly, a Construction Management Plan is necessary to ensure that the activities associated with building out of the site do not cause residential amenity or highway convenience problems.
21. Having regard to the same WMS as above, it is not possible to impose the Council's suggested condition no. 6 relating to energy performance. No

² For developments below 15 units.

evidence has been provided to demonstrate that additional measures are necessary. The WMS however does allow local planning authorities to require developments to demonstrate how schemes have taken into account water efficiency provided a development plan policy is in place. As such, I consider that a condition is necessary in this regard in line with the WMS and the Council's policy to protect living conditions.

22. A condition is also suggested requiring the provision of a pedestrian island on New Road. This would be an off-site provision that would normally be dealt with by way of a prior legal agreement. No evidence has been presented to demonstrate that such provision would be necessary to offset any impacts arising from the appeal development itself and a condition is not imposed.

Conclusion

23. For the reasons set out above and having regard to all other matters raised, this appeal is allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 OS Location Plan and drawings 1/2015/4 Rev B - Sheet 1, 1/2015/4 Rev B - Sheet 2 and 1/2015/4 Rev B - Sheet 3.
- 3) No development shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 4) Prior to the first occupation of any unit, the site shall be landscaped in accordance with a hard and soft landscape plan that has been agreed in writing with the Local Planning Authority. The landscaping plan shall include details of all hard landscaping proposals, fences and gates, new tree and shrub planting as well as existing trees and plants to be retained. Any plants or trees removed, dying or becoming diseased within 5 years of the occupation of the development shall be replaced by similar trees or plants as those removed.
- 5) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2005 (or any later revised standard) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.
- 6) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period.
- 7) Construction work shall not begin until a scheme for protecting the houses hereby approved from noise and vibration from the railway lines adjacent to the site has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any dwelling is occupied.
- 8) Prior to the first occupation of the development a Water Efficiency Report shall be submitted to and approved by the Local Planning Authority that shall demonstrate that the proposed development would achieve a

minimum water efficiency standard of 110 litres per occupant per day. Once approved the agreed measures shall be implemented prior to the first occupation of the development.

- END OF SCHEDULE -