

Appeal Decision

Site visit made on 4 January 2017

by Mrs J A Vyse DipTP DipPBM MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/Y3615/W/16/3152268
57 Manor Road, Guildford, Surrey GU2 9NQ

- 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 C Begeman against the decision of Guildford Borough Council.
 - The application No 15/P/01967, dated 29 September 2015, was refused by a notice dated 23 December 2015.
 - The development proposed comprises demolition of the existing building and erection of a three bedroom dwelling with two car parking spaces.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Procedural Matters

2. At the time of the site visit, the original building on the appeal site had already been demolished and work was well underway on the erection of a new dwelling on the site. It was confirmed that approval had been given for demolition of the original building and the erection of a three bedroom dwelling of slightly different design from that the subject of the refused application that led to this appeal.¹

Main Issues

3. These relate to the effect of the development proposed on the character and appearance of the area, and the effect on the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character and Appearance

4. The appeal site is roughly triangular in shape: it has a very narrow street frontage and widens out to the rear. The original, now demolished building on the site comprised a workshop with office above, and a single storey flat roofed store to the rear. It had a rectangular plan form with small single storey additions to the front and side, and was set well back from the street frontage, behind the front walls of the adjacent residential properties on both sides. The two storey element had a pitched roof over and sat gable end on to the road.
5. The proposed dwelling is shown in roughly the same position as the original building, and is of similar form but with a larger footprint. The Council takes issue with the proportion of the single storey flat roofed element proposed in

¹ Application No 16/P/00530 Demolition of existing building and erection of a three bedroom dwelling with two parking spaces Approved 14 October 2016

relation to the two storey section. I have similar reservations. That said, the single storey section would be at the rear of the building and would not be readily seen from the street. I am not persuaded, therefore, that there would be an impact on the character and appearance of the area in this regard.

6. Whilst an interested party raises concern in relation to the proposed increase in ridge height, I note that the resultant two storey element would be would still be lower than the roof at No 59 and the same height as the ridge at No 55, with the roof itself sloping away from the shared boundary. However, the side wall to the south, adjacent to the boundary with 55 Manor Road, is shown at an angle along its length, reflecting the angled site boundary. As a consequence, the building would be wider at the rear than at the front. Although the building would be set back behind No 59, the front wall would be roughly aligned with the front of No 55. As such, the contrived, angled design and asymmetric roof would be clearly visible from the street. In conjunction with the proposed uncharacteristic overhanging first floor at the front of the property, which would be supported by columns, and an oddly proportioned first floor gable end window to the street, I am firmly of the view that the resultant building would be seen as an awkward and incongruous addition to the street scene with consequential harm to the established residential character and appearance of the area. Whilst the original building on the site would have been an anomaly in its context, I have no reason to suppose, that it caused material harm to the character or appearance of the area.
7. To conclude on this issue, the harm that I have identified means there would be conflict with saved policies G5 and H4 of the Guildford Borough Local Plan 2003, which together and among other things seek to ensure that new development respects local character and does not have an unacceptable effect on the existing context and character of adjacent buildings and the immediate surroundings. There would be conflict too, with one of the core planning principles of the National Planning Policy Framework, namely the need to secure high quality design.

Thames Basin Heaths

8. The appeal site lies within the 0.4 – 5 kilometre buffer zone around the SPA. In order to avoid any significant effects, including in combination effects, on the ecological integrity of the SPA arising from residential development, saved policies NE1 and NE4 of the Guildford Borough Local Plan (adopted January 2003) together with saved policy NRM6 of the South East Plan 2009 and the Council's Thames Basin Heaths Special Protection Area Avoidance Strategy 2009-2016,² seek, for example, to secure financial contributions towards Suitable Alternative Natural Greenspace (SANG) and a Strategic Access Management and Monitoring (SAMM) contribution.
9. The appellant maintains that the Government's policy on tariff style obligations (as set out in the Planning Practice Guidance (planning guidance) as amended by the Written Ministerial Statement on Starter Homes issued in March 2015) indicates that financial contributions such as this should not be sought from small-scale schemes. However, whilst the planning guidance does normally exclude housing development of less than ten dwellings from infrastructure contributions, it also advises that, where European Union Directives require

² This document was originally entitled 'Thames Basin Heaths Special Protection Area Avoidance Strategy 2009 – 2014'. On 6 January 2015 the Council's Executive agreed to extend the strategy until 2016.

mitigation, contributions may continue to be sought from smaller housing developments. As the European Union Habitats Directive applies to new development in the area, I am satisfied that mitigation can legitimately be sought in relation to the appeal scheme. On that basis, I consider the obligation sought by the Council to be necessary to make the proposed development acceptable in planning terms. In the absence of any measures to secure necessary mitigation works, and this being a matter that cannot be dealt with by condition, I find that the development proposed would, in combination with other developments, have a significant adverse impact on protected species. There would be conflict, therefore, with the relevant development plan policies and guidance.

Other Matters

10. Although not a reason for refusal, concern was raised at application stage by an interested party that the development would, among other things, result in loss of daylight in relation to 55 Manor Road. Whilst the two storey element proposed would be higher than the original building, it would project no further back than the original two storey element. However, the single storey element would project further back than the original arrangement, and it would be higher, extending in close proximity along virtually the full length of the adjacent rear garden. I also saw that ground levels drop away to the rear, which would exacerbate the height of this element of the building. Although the officer's report concludes that the development would comply with relevant development plan policies and the Council's Residential Design Guide SPG (2004) there is no detailed assessment for example, of the relationship of rear facing windows at the adjacent property to the extended building proposed. Had the scheme been acceptable in all other regards, I would have required further information on this.
11. Other concerns raised relate to the removal of asbestos from the site, highway safety and the internal layout of the accommodation proposed. The removal of asbestos is governed by specific legislation but, in any event, by the time of my visit, the original building had already been demolished. The matter of parking provision and highway safety was addressed in the officer's report, with the highway authority raising no objection. Lastly, the provision of a combined kitchen/dining/living space for the three bedroom accommodation proposed does not conflict with any identified planning policy or guidance. It would be a matter for any future purchaser or tenant to come to a view as whether the layout was appropriate for their particular needs.

Conclusion

12. I recognise that there would be a modest benefit in the provision of an additional dwelling at a time when the Council is unable to demonstrate a five year supply of housing land. However, I have found that there would be material harm to the character and appearance of the area. In addition, the absence of any planning obligation to secure necessary mitigation measures in relation to the SPA means that there would, in combination with other development schemes, be significant harm to the ecological integrity of the SPA. These are matters to which I afford substantial weight.
13. In the overall planning balance, I find that there would be conflict with the development plan and that the adverse impacts of the proposed development would significantly and demonstrably outweigh the modest benefit.

Accordingly, the appeal scheme does not amount to sustainable development and it does not enjoy the presumption in favour of such, as set out in the Framework. Therefore, for the reasons set out above, I conclude that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR