
Appeal Decision

Site visit made on 10 January 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 9th February 2017

Appeal Ref: APP/Y3615/W/16/3157096

28B Boxgrove Avenue, Guildford, Surrey GU1 1XG

- 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 Morgan against the decision of Guildford Borough Council.
 - The application Ref 16/P/00040, dated 18 December 2015, was refused by notice dated 29 February 2016.
 - The development proposed is 'demolition of existing detached dwelling and redevelopment of site to provide 3no detached dwellings with associated car parking, landscaping and amenity space'.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing detached dwelling and redevelopment of site to provide 3no detached dwellings with associated car parking, landscaping and amenity space at 28B Boxgrove Avenue, Guildford, Surrey GU1 1XG, in accordance with the terms of the application Ref 16/P/00040, dated 18 December 2015, and subject to the conditions in the attached schedule.

Preliminary Matter

2. Following the submission by the appellant of a s106 agreement in relation to the effects of the proposal upon the Thames Basin Heaths Special Protection Area (TBHSPA), the Council has confirmed that its third reason for refusal would be overcome. I have therefore not included this matter within the main issues but return to it under *Other Matters* later in my decision.

Main Issues

3. The main issues are therefore:
 - i) The effect of the proposed development upon the character and appearance of the area, and
 - ii) Whether the proposal would safeguard the living conditions of the occupiers of neighbouring properties, with particular regard to privacy.
-

Reasons

Character and appearance

4. The appeal site is located on a corner plot on Boxgrove Avenue. The road predominantly consists of substantially sized detached houses set within landscaped front and rear gardens.
5. Whilst the three proposed dwellings would not directly front on to Boxgrove Avenue, their plot widths and garden depths would not be substantially different to those of other dwellings in the road. Although the houses would be set back from the line of existing houses on the north east side of the road, they would continue the existing row of development.
6. There are no other examples of backland development on Boxgrove Avenue in the vicinity of the site. Nevertheless, I do not consider this proposal to be a typical backland development given that it continues the line of existing properties on the north east side of the road and replaces an existing dwellinghouse that would first be demolished. In any case, I do not consider that the development of the residential garden would cause harm to the local area in this instance.
7. The spacing between the proposed houses would be satisfactory and, coupled with the hipped design of the roofs, would provide sufficient visual separation between the houses to prevent the development from appearing as unacceptably cramped.
8. The height of existing houses in the road varies though, as a whole, the existing development along the road appears as fairly uniform in height. The proposed houses would not be so significantly higher than others in the road to appear as visually intrusive or out of place. Whilst each dwelling would have a flat roofed element, making the roofs appear to be of greater massing than others in this part of the road, these would not be so substantial to appear as excessively bulky in relation to existing dwellings. Taking account of their set back position from the road, the proposed dwellings would not appear as being incongruous within the streetscene or surrounding area.
9. The proposed development would therefore not result in any significant harm to the character and appearance of the area. It would accord with the relevant design aims of policies G1, G5 and H4 of the Guildford Borough Local Plan 2003 and the National Planning Policy Framework ('the Framework').

Living conditions

10. The proposed dwellings would face towards the side boundary of 28a Boxgrove Avenue. Each proposed house would contain bedroom windows in the front elevation. There would be some overlooking, at a distance, into the rear garden of this neighbouring dwelling. Nevertheless, I am satisfied that the substantial separation distance from the first floor windows to the side boundary of no. 28a, in addition to existing and proposed landscaping, would be sufficient to prevent any unreasonable loss of privacy for the occupiers of this neighbouring property. Even though I acknowledge that new planting would take time to establish, this does not alter my conclusion that no significant harm would result from overlooking.

11. I also consider that the separation distance from the rear elevation of the proposed dwellings to the rear boundary of the site, in addition to the existing screening, would be sufficient to prevent an unreasonable overlooking of the existing property located to the rear (30 Ganghill), including from the proposed second floor rear windows.
12. The proposal would therefore safeguard the living conditions of the occupiers of neighbouring properties. It would satisfactorily accord with the relevant amenity aims of policy G1(3) of the Guildford Borough Local Plan 2003 and the Framework.

Other Matters

13. The site is located within the 400m to 5km zone of the Thames Basin Heath Special Protection Area (TBHSPA). As such the proposal, in combination with other development, would have the potential to result in significant impacts upon the TBHSPA through increased dog walking and general recreational use.
14. Following the submission of the appeal, a s106 agreement has been entered into by the parties, including two mitigation contributions in accordance with the Council's adopted TBHSPA Avoidance Strategy 2009-2016. The first contribution is an Access Management and Monitoring Contribution to provide for access management of the Special Protection Area. The second is a SANGS (Suitable Alternative Natural Green Space) contribution towards the cost of upgrading and maintaining an existing SANGS.
15. I note that the definition of 'funding', provided by Regulation 123(4) of the Community Infrastructure Regulations 2010 (CIL Regulations), in relation to the funding of infrastructure, means the provision of that infrastructure by way of funding. The SANGS contribution in this case is intended to improve existing rather than make provision for new SANGS. From the evidence before me, I am satisfied that both this contribution and the access management contribution would not provide for the funding or provision of infrastructure and are therefore not restricted by Regulation 123 of the CIL Regulations.
16. On this basis, given the mitigation provided for in the S106, the proposed development would be unlikely to have an adverse impact on the integrity of the TBHSPA. There would therefore be no conflict with the relevant biodiversity aims of policies NE1 and NE4 of the Guildford Local Plan 2003 and the Conservation of Habitats and Species Regulations 2010.
17. The parties agree that the Council does not currently have a five year supply of deliverable housing sites. Therefore paragraph 49 of the Framework is applicable. However, I do not need to consider this any further given that I have found the proposal to be acceptable in the context of both the development plan and the Framework.

Conditions

18. I have attached conditions limiting the life of the planning permission. A condition specifying the approved plans is required for the avoidance of doubt and in the interests of proper planning.
19. A construction method statement is necessary in the interests of highway safety. Tree protection, landscaping and external material conditions are all required in order to safeguard the character and appearance of the area. The

conditions relating to vehicular access, parking and turning areas are necessary in the interests of highway safety and to provide for appropriate parking arrangements.

20. A condition relating to renewable energy is necessary in the interests of sustainable development. The condition regarding water efficiency is consistent with the Building Regulations optional requirement and is sought pursuant to the Council's Sustainable Design and Construction' 2011 Supplementary Planning Document (albeit that this document seeks a slightly more stringent requirement for water efficiency). It is therefore consistent with the Government's Housing – Optional Technical Standards.
21. Condition 3 requires details to be approved before development takes place. It is necessary in this case because this condition addresses impacts during demolition and construction.
22. I have made minor alterations to the wording of some conditions suggested by the Council in order to be precise, but these do not alter the essence of such conditions.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Cliff

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: 1483 2001 Rev C, 1483 2002 Rev C, 1483 2102 Rev I, 1483 2110 Rev E, 1483 2120 Rev E, 1483 2111 Rev D, 1483 2121 Rev D, 1483 2112 Rev D, 1483 2122 Rev E, 1483 2113, 1483 2123 Rev D, 1 Rev 06, 1483 010 Rev A and 1483 020.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of a boundary hoarding.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
4. The development hereby permitted shall be carried out in accordance with the tree protection recommendations set out in the AP Arboriculture Arboricultural Report ref. APA/AP/2014/04 dated 23 September 2014.
5. No development above ground level (other than demolition) shall take place until samples of all external facing and roofing materials to be used in the construction of the dwellings and garage hereby permitted have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
6. No dwelling hereby permitted shall be occupied until the modified vehicular access has been constructed in accordance with approved drawing no. 1483.2102 Rev I.
7. No dwelling hereby permitted shall be occupied until the parking and turning areas have been provided in accordance with the approved drawings and those areas shall thereafter be kept available for the parking and turning of vehicles.
8. The renewable energy measures as detailed within the JSA Sustainability Statement (May 2015) shall be fully implemented prior to the first occupation of any part of the development hereby permitted and subsequently retained as operational thereafter.
9. The hard landscaping shown on the approved drawing ref. 1 Rev 06 shall be carried out prior to the first occupation of any part of the development hereby permitted. The soft landscaping shown on the approved drawing ref. 1 Rev 06 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a

period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority.

10. The dwellings hereby permitted shall be designed and constructed to meet a water efficiency standard of 110 litres per head per day.