
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: 10th February 2017

Appeal Ref: APP/Y3615/W/16/3159277
120-124 Ash Street, Ash, Surrey GU12 6LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Litherfield (The Co-operative Group) against the decision of Guildford Borough Council.
 - The application Ref 16/P/00454, dated 4 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is residential development of up to 9no dwellings following demolition of existing buildings.
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Decision

1. The appeal is allowed and planning permission is granted for the residential development of up to 9no dwellings following demolition of existing buildings at 120-124 Ash Street, Ash, Surrey GU12 6LL, in accordance with the terms of the application Ref 16/P/00454, dated 4 March 2016, and subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the site address as stated in the Council's decision notice (and the appellant's statement), as this more clearly describes the location of the site than that stated on the planning application and appeal forms.
 3. The application is in outline with all detailed matters (access, layout, scale, appearance and landscaping) reserved for future consideration. The submitted plans include two drawings showing two possible layouts of the development. I have treated these drawings as being only indicative or illustrative given that that layout is a matter reserved for future consideration. One of these layout plans was submitted following the submission of the appeal. As it is only indicative or illustrative and all detailed matters are reserved, I do not consider that any party has been prejudiced by the submission of this drawing as part of the appeal submission.
 4. The Council's third reason for refusal refers to the impact of the proposed development upon the Thames Basin Heaths Special Protection Area (TBHSPA). The Council and the appellant have subsequently entered into a s106 agreement to mitigate against the effects of the proposal upon the TBHSPA. In its appeal statement the Council has confirmed that should the necessary mitigation be secured by means of a legal agreement, this reason for refusal
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would fall away. I have therefore not included this matter as a main issue but return to it under *Other Matters* later in my decision.

Main Issue

5. The main issue is therefore:

- i) The effect of the proposed development upon the character and appearance of the area.

Reasons

6. The Council is currently not able to demonstrate a five year supply of housing. Paragraph 49 of the Framework is therefore applicable. Policy H4 of the Guildford Borough Local Plan 2003 is out of date as it relates to the supply of housing. However, it still carries significant weight as the design related criteria within it are broadly consistent with the Framework. I am less persuaded that Policy G5 relates to the supply of housing, though its objectives are also generally consistent with the Framework. I have given moderate weight to the proposed contribution of up to nine houses towards the supply of housing.

Character and appearance

- 7. Existing development on Ash Street in the vicinity of the site is generally characterised by detached and semi-detached two storey residential properties, along with a larger building comprising flats at New Poplars Court adjacent to the east side boundary of the site. The plot widths and design of existing development in the street are fairly mixed. The appeal site comprises an existing two storey building, which although it has last been in use as a police station, appears to have previously comprised a terrace of three properties. There is a large hardstanding parking area to the rear.
- 8. The indicative layout drawings provided show how a scheme for nine dwellings might be designed incorporating a row of dwellings fronting on to Ash Street, broadly in line with existing adjacent properties, and further dwellings, at right angles to the frontage development to the rear. The most recently submitted indicative drawing shows how the site could be developed with mainly semi-detached properties.
- 9. Given the fairly mixed form of existing development in the streetscene, I consider that, in principle, the siting of a frontage development in a similar form to that shown in the indicative layout plans could be achieved without detriment to the overall appearance of the streetscene.
- 10. Whilst there are no other examples of dwellings built to the rear of existing properties in the immediate vicinity of the site on Ash Street, this type of development does occur in the form of small cul-de-sac developments further along Ash Street. Whilst information provided in the Design and Access Statement indicates that the dwellings would be three storeys, the appellant subsequently states that they could be limited to two storeys. Whilst the height and scale of these dwellings would need to be carefully considered at the reserved matters stage, I consider that development in the rear portion of the site could take place without resulting in any unacceptable impacts upon the overall character and appearance of the area.

11. Based on the indicative plans, the plot widths of the proposed properties are likely to be less than those of other properties in the area. However, plot widths in the area of the site are fairly mixed and, subject to appropriate design and scale, I do not consider that the plots widths indicated in the submitted drawings would result in any harm to the streetscene or surrounding area.
12. There is a large expanse of grass at the front of the existing site. Existing properties in the vicinity of the site exhibit a mixture of frontages. Those with boundary landscaping demonstrate the positive impact this can have on the overall streetscene. New Poplars Court has a large hardstanding parking area though this is relieved by frontage landscaping. The second of the indicative layout drawings submitted by the appellant demonstrates how landscaping could be provided adjoining the front boundary of the site along with additional landscaping to the front of the proposed properties which would break up the hardstanding to each property. I am satisfied that appropriate landscaping could be incorporated into the reserved matters details which would preserve or enhance the streetscene and the overall character and appearance of the area.
13. I am satisfied that sufficient space exists within the site for appropriate refuse provision to be provided, details of which would be subject to reserved matters.
14. Subject to the approval of reserved matters, I am satisfied that the proposed development of up to nine dwellings could take place without detriment to the character and appearance of the area. It therefore would accord with the relevant design aims of policies H4 and G5 of the Guildford Borough Local Plan 2003 and the National Planning Policy Framework ('the Framework').

Other Matters

15. I am satisfied that sufficient distance could be retained from the nearest proposed dwelling to the side windows of flats in New Poplars Court to prevent any adverse impacts upon these neighbouring occupiers in respect of light and outlook. The windows above ground level of properties facing towards the rear garden of 118 Ash Street would lead to some overlooking of the rear portion of its rear garden. Nevertheless, given the separation distances from the proposed dwellings that could be retained to the side boundary and the likelihood that the area of garden nearest the rear elevation of No.118 would be much less affected, I consider that a scheme could be designed at the reserved matters stage that would preserve the reasonable privacy of this property.
16. The two existing residential properties adjacent to the south boundary of the site have fairly short rear gardens and therefore could be affected by new development located in proximity to the south boundary. However, notwithstanding the details on the illustrative drawings, I consider it possible for the detailed matters to be designed to prevent any unacceptable impacts upon the living conditions of these properties. In addition, whilst the use of the site would involve some noise from vehicles and residential activity, I do not consider that this would be of such significance to result in unreasonable harm to neighbouring living conditions.
17. The Council has not raised any concerns regard the parking and highways implications of the development. I am satisfied that there would sufficient

space for appropriate parking and turning spaces to be provided within the site and that a suitable vehicular access could be achieved. Taking into account the previous use of the site, the level of traffic likely to be generated from the proposal would not result in any significant impacts on local highway conditions.

18. There is no detailed evidence before me which suggests that the existing site contains any significant wildlife value. The applicant's Phase 1 survey found no evidence of any bat roost. I am satisfied from the information before me that there is no reasonable likelihood of protected species being present.
19. 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.
20. There is no detailed evidence before me that suggests that the proposed development would be at significant risk of flooding or would lead to an increased risk of flooding elsewhere.
21. 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.
22. 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.
23. 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.

Conditions

24. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the relevant legislation.
25. A condition requiring the approval and implementation of energy efficiency measures is necessary in order to contribute to the overall sustainability of the development. A construction method statement is necessary to safeguard highway safety. A restriction of working hours is required in the interests of the living conditions of the occupiers of neighbouring properties located in the vicinity of the site.

26. Approval of street lighting is necessary in order to provide for a satisfactory residential environment and to prevent unnecessary light pollution. I have not, however, included the need for details of lighting attached to individual properties as I do not consider that such lighting is likely to cause any significant harm. The approval of cycle parking details is necessary in order to encourage the use of alternative methods of transport to the private car.
27. 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.
28. I have not attached the two conditions suggested by the Council in relation to vehicular access, visibility splays and parking/turning areas, as such detailed matters are reserved for subsequent approval.
29. Conditions 4 and 5 require details to be approved before development takes place. It is necessary for condition 4 as this has a bearing on the design of the proposals and it is necessary for condition 5 as this relates to demolition and construction.
30. 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

31. There are no policies within the Framework that indicate that the proposed development should be restricted and I have found that no adverse impacts would result that would significantly and demonstrably outweigh the benefits arising from the proposed residential development. I consider the proposal to represent sustainable development as sought by the Framework.
32. 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. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. Prior to the commencement of development, an energy statement shall be submitted to and approved in writing by the local planning authority. This shall include details of how energy efficiency is being addressed, the predicted energy usage (taking account of any relevant Target carbon Emissions Rate (TER) set out in the Building Regulations) and how a minimum of 10 per cent reduction in carbon emissions against the predicted energy usage through the use of on-site low and zero carbon energy can be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
5. 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 include details of:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials;
 - iv) programme of works (including measures for traffic management);
 - v) measures to prevent the deposit of materials on the highway.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
6. Prior to the first occupation of any part of the development, details of any external street lighting (including height, design, measures to control light spillage and intensity of illumination) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
7. The development hereby permitted shall not be first occupied until details of secure cycle parking within the site 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 the approved cycle parking shall be thereafter retained.
8. The dwellings hereby permitted shall be designed and constructed to comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency standard of 110 litres per occupant per day (described in part G2 of the Building Regulations Approved Documents 2015).

9. Demolition or construction work shall take place only between 0800 and 1800 on Mondays to Fridays and between 0800 and 1330 on Saturdays, and at no time on Sundays or on Bank or Public Holidays.