

Appeal Decision

Site visit made on 19 April 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/Y3615/W/17/3166994

8 Levylsdene, Guildford GU1 2RS

- 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 Borne Developments against the decision of Guildford Borough Council.
 - The application Ref 16/P/02120, dated 17 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is demolition of single dwelling and replacement with two new detached dwellings.
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Decision

1. The appeal is allowed and planning permission granted for demolition of single dwelling and replacement with two new detached dwellings at 8 Levylsdene, Guildford GU1 2RS in accordance with the terms of the application Ref 16/P/02120 dated 17 October 2016 subject to the conditions in the schedule at the end of the decision.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development provides appropriate mitigation measures in respect of the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character and Appearance

3. The appeal site lies on the western side of Levylsdene and is occupied by a detached two storey dwelling with a pitched roof and gable ends. It has a single storey flat roof side extension and a separate garage set on the boundary with 10 Levylsdene to the south. The proposal is to replace the existing dwelling with two detached dwellings.
 4. This part of Levylsdene which overlooks a central green demonstrates a variety of types of residential developments but primarily two storey detached houses. Properties are generally large in scale set in generous plots with extensive rear gardens. Nevertheless, properties commonly extend close to their side
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boundaries at least at ground floor level although a number have first floor extensions as well. Locally, houses also demonstrate a variety of different roof forms in terms of type and pitch. The appeal property is set in a more spacious plot than many others in the locality including 6 and 10 Levylsdene which are large houses with limited space between the respective building and the boundary with the appeal site.

5. The proposed houses would respect the existing building line along this part of the road, being set back slightly from the forward projection of the existing building. They would be slightly taller than the existing property and higher than 6 Levylsdene but when viewed in the context of the slight rise in ground to the south this would not be unacceptable. The houses would have hipped roofs, thereby reducing the overall bulk of the proposal.
6. The proposed dwellings would be more modest in scale than neighbouring properties, and narrower than them even without taking account of their single storey garages. Nevertheless, I do not find that their scale would be out of character with the local context. The depth of the proposed houses would also be greater than the existing and neighbouring properties. However, this would not be particularly apparent when viewed from the road, would not impact on the streetscene and in retaining sizeable rear gardens would not result in overdevelopment of the plots.
7. I find that the distances between the proposed dwellings and between them and their neighbours would reflect the separation distances of other properties in the local area at ground floor level. At first floor level the proposed dwellings would extend across the full width of the property giving a more vertical emphasis unlike some properties locally with single storey flat roof garages which emphasise horizontality. Nevertheless, there are examples of first floor extensions to other properties locally which add to their bulk.
8. Views of the proposed development across the green would to some extent be broken up by existing mature trees and would also be seen in the context of trees to the rear. As a result the proposals would not be visual dominant or intrusive. Consequently, I do not consider the proposed development would appear cramped or overdeveloped.
9. I have taken account of the examples of sub-division of sites referred to me in respect of 1 and 41 Levylsdene. In respect of the former site I find that the two properties which in my view relate to Levylsdene rather than Epsom Road and therefore contribute to the character of the local area. However, neither of these examples has been definitive and I have determined the appeal proposal on its own planning merits.
10. I therefore find that the proposals would not appear cramped or overdeveloped giving rise to an incongruous addition to the locality and therefore would not result in significant demonstrable harm to the character and appearance of the surroundings. It would therefore meet the requirements of Policies G5 and H4 of the Guildford Borough Local Plan, 2003 (the Local Plan) for buildings to respect established plot sizes and be of a scale and character which reflects the surrounding area. It would also be in line with the guidance within the Residential Design Guide Supplementary Planning Guidance in respect of a requirement for new development to address the scale and proportions of surrounding buildings. The requirements of section 7 of the National Planning Policy Framework in respect of good design would also be met.

Mitigation

11. A signed and dated Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 has been submitted by the appellant and the Council has confirmed that it is acceptable in its scope. This would secure the delivery of the necessary measures to mitigate any impact of the proposed development upon the Thames Basin Heath SPA through contributions towards the cost of upgrading and maintaining Suitable Accessible Natural Green Space and an Access Management and Monitoring Contribution. I am satisfied that these contributions comply with the requirements of Policies NE1 and NE4 of the Local Plan and Saved Policy NRM6 of the South East Plan which seek to prevent harm to protected species and habitats. It would also accord with the Habitats Regulations and Directive which seeks to ensure that development does not adversely affect European sites and species.

Other Matters

12. The Merrow Residents Association commented that the proposed dwellings would provide inadequate parking. Each of the dwellings would provide a single garage and at least one off-street parking space. In addition there are no restrictions on on-street parking in the immediate area. I am also aware that the County Highway Authority has not objected to the layout or number of parking spaces. In this context I find that the proposal would not give rise to unacceptable parking pressures.
13. The issue of drainage of surface water was also raised by a neighbouring resident. As the site is not within a critical drainage area and I have no detailed evidence to substantiate this concern it has not led me to any different overall conclusion.

Conditions

14. In addition to the standard implementation condition (condition 1) I have attached a condition specifying the relevant drawings with which the scheme should accord as this provides certainty (2). I have imposed a condition relating to materials to ensure that the appearance of the development is satisfactory (3). It is necessary to impose conditions in respect of energy and water efficiency (4 and 5) in the interests of the wider environment. I have also imposed a condition to protect the living conditions of neighbouring occupiers during construction (6).
15. Planning Practice Guidance advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In this respect it is necessary for conditions 3 and 4 to be conditions precedent as they are so fundamental to the development that it would otherwise be necessary to refuse the application.

Planning Obligation

16. I am satisfied that the obligation under Section 106 is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to the development. The contributions are consistent with Regulation 122 of the Community Infrastructure Regulations, 2010.

Conclusion

17. For the reasons set out above, the appeal is allowed.

Kevin Gleeson

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: L/16/01; L/16/02; L/16/03; L/16/04; L/16/05; L/16/06; L/16/07; L/16/08 and L/16/09.
3. No construction of the development hereby approved shall take place until details and samples of the proposed external facing and roofing materials of the dwellings, and details of hardstanding, 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 development commencing 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, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 10 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon energy shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
5. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the Local Planning Authority to demonstrate that this condition has been met.
6. Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between 0800 and 13.30 on Saturdays and at no time on Sundays or Bank or National Holidays.