
Appeal Decision

Hearing held on 25 April, 2017

Site visit made on 25 April, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 26th May, 2017

Appeal Ref: APP/Y3615/W/16/3165691
111 Epsom Road, Guildford, GU1 2LE

- 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 Gary Ferrier, Lucas Design and Construction against the decision of Guildford Borough Council.
 - The application Ref: 16/P/01666 dated 1 August, 2016 was refused by notice dated 28 November, 2016.
 - The development proposed is demolition of the existing building and erection of a two and a half storey building containing 8 no. 2-bed flats and associated external works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A revised drawing was submitted prior at the hearing showing an amended layout for the parking bays and landscaping of the frontage area to accommodate an extra parking space and a specimen tree. The issue of parking is one that has caused concern to neighbours living next to the appeal site. I have considered whether any party would be prejudiced by being deprived of an opportunity to comment on it, and concluded that they would. I have not therefore accepted the drawing.

Main Issues

3. The appeal site is within the 2 – 5 km buffer zone of the Thames Basin Heaths Special Protection Area (SPA). A signed and dated planning obligation was submitted prior to the appeal hearing which provides for payment to the local authority going towards a Suitable Alternative Natural Green Space (SANG) and an Access Management and Monitoring Contribution. The Council has had an opportunity to consider this, and agrees that the appeal proposal would as a result provide adequate mitigation of the effects on the SPA, which would address the third and fourth reasons for refusal.
 4. It was agreed between the parties that as the Tree Preservation Orders on the site, made in 1997, had not been confirmed, they were no longer valid. The Council's tree officer confirmed that he had evaluated the trees on site, and considered that there were none that would warrant the creation of a new TPO. It was therefore also agreed that loss of TPO trees no longer formed part of the
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first reason for refusal, and that Policy NE5 of the Guildford Borough Local Plan 2003 (the LP) was no longer relevant.

5. As reason 1 of the Council's decision notice has been partially withdrawn and reasons 3 and 4 wholly withdrawn, the main issues in the case are now:
 - the effect of the development on the character and appearance of the area;
 - the effect on the living conditions of the occupiers of adjoining dwellings with respect to privacy; and
 - whether adequate provision is made for parking.

Reasons

The effect of the development on the character and appearance of the area

6. The appeal site is in a residential area on the outskirts of Guildford, on the north side of busy Epsom Road. The site dips down from the road, and is fronted by an immature Leylandii hedge and close boarded fencing. Other boundaries are well screened with mature planting, including mature trees. Set well back in the site is a bungalow, and the appeal proposal is to replace this with a block of two storeys plus a roof storey, containing eight flats.
7. There is disagreement between the parties as to which character type the appeal site falls into with respect to the Borough's Residential Design Guide SPD 2004 (the Residential SPD). An enlarged and colour version of the Urban Area Character Map from that document was submitted at the hearing to support the appellant's contention that the site is in fact on the boundary between character areas.
8. However, it appears to me that a map of this kind would normally be indicative only and describing overall character across an area, which might vary at the level of individual properties. The parties agreed, and I would concur, that the best way to determine the character of the area would be by looking at the facts on the ground.
9. Whether to be considered as Type 3 ("loose-knit late 19th and early 20th Century housing") or Type 5 ("Early to Mid-20th Century Suburban Housing") in terms of the Residential SPD, the character in the vicinity of the appeal site is overall one of average or larger-than-average houses set within generous garden areas with space to the front and rear. There are also well-screened boundaries between plots and to Epsom Road. The overall green and open character of the area is emphasised by the presence of mature trees visible over the boundaries. Although there are localised variations in parts of the area which are more intensely developed, they are not sufficiently great in number to alter the low density character of the area overall.
10. My attention was drawn to an appeal decision approving the construction of two blocks of flats at the adjoining site, No 115¹. In this, the Inspector pointed out that even within this context, that site was notable for its low density. It is evidently of considerably greater size than that of the current appeal site and roughly the same width of the two plots to its east. The two blocks have now been built, and are of a size comparable to that of more substantial houses within the area, and set away from the sides of the plot and with a visible separation between them.

¹ Ref: APP/Y3615/A/10/2134386, para.

11. Both the particular circumstances of the plot and of the proposal were significant in the Inspector's assessment of the appeal. Although he considered that the area around the site was not "such a distinctive example of the Character Type 3" this was with specific reference to whether the site was capable successfully to accommodate the particular proposal he was considering at the time. I consider therefore that the appeal in respect of No 115 relates to different specific circumstances from those of the current appeal, and does not represent a material change in circumstances which indicates that flats are acceptable in principle in the wider area in terms of its character.
12. The proposed block of flats which is currently before me would be on the site of the existing bungalow, but would extend further towards the front of the site, projecting beyond the building line of other dwellings along Epsom Road to the east. The breadth and depth of the building would mean that its bulk would be considerably greater than that of houses typically seen in the area. Although there would be some articulation of the front and rear elevations of the building and variation in the roofline, because of its bulk and the substantial crown roof, these would not serve particularly effectively to break up the massing of the building. I consider therefore that the proposed building would take up a greater proportion of the plot than is typical in the area, giving rise to a cramped appearance, and would appear uncharacteristically large and bulky in its immediate setting, which would be harmful to the character and appearance of the area.
13. While the visual impact of the block would be reduced by its set back from the frontage, the sunken level of the site in relation to the road and the screening that would arise from the fast-growing *Leylandii* to the front, it would still be visible from Epsom Road along the driveway entrance to the site, and from other dwellings in the vicinity of the site. Although the screening planting to the side and rear boundaries of the site would be retained and protected as a result of the appeal proposal, local residents were concerned that these features can be lost or replaced.
14. Although I accept the appellant's point that the proposed building would not need to be invisible, it is the relationship between the built form and the space and landscaping around it that is important. As in this case the built element would be overly dominant in that relationship, I conclude it would be at odds with the character and appearance of the area, and that harm would occur.
15. The proposal would therefore conflict with the provisions of policy G5 of the Guildford Borough Local Plan 2003 (the LP) in respect of providing design which respects existing development patterns, including the scale, height and proportions of buildings in the surrounding environment. It would also conflict with policy H4 of the LP where it seeks development which is in scale and character with the area and has no unacceptable effect on its existing context. It would not, either, conflict with the provisions of the Residential SPD, which aims to encourage design which respects and enhances local character.

The effect on the living conditions of the occupiers of adjoining dwellings with respect to privacy

16. Culver Cottage sits directly to the rear of the appeal site. It faces the boundary between the two, while its rear garden stretches to its north, on the opposite side of the building from the appeal site. Guildcroft, a late twentieth century development of detached houses set in relatively small plots flanks the site to

its west. Nos 6 and 7 back onto the boundary, which is marked by relatively dense planting.

17. The appeal proposal, in replacing a bungalow would introduce new windows at a higher level facing Culver Cottage to the rear of the block, which, in addition to bedrooms, would also be to living/dining rooms. Those on the first floor would incorporate Juliet balconies. This would change the nature of the inter-visibility between the two properties, but it appears to me that given the presence of a very high hedge on the shared boundary, and the considerable separation distance between the two, this would have a limited effect on the privacy of occupiers of Culver Cottage.
18. The flank of the proposed block facing properties on Guildcroft would have only small and secondary windows on the ground floor and one small secondary window on the rear projection of the block at first floor height. There would also be a single roof light on the roof slope on that side of the building. Notwithstanding that No 7 has a rear addition which extends further back into the site than is shown on the submitted plans, I conclude that minor windows of this kind, combined with boundary planting, would have a very limited effect on the privacy of occupiers of Guildcroft.
19. The proposal would therefore not conflict with policy G1(3) or policy H4 of the LP, in that it would not be unneighbourly in respect of the privacy of neighbouring occupiers.

Whether adequate provision is made for parking

20. Nine car parking spaces would be provided for eight flats, which would therefore meet the maximum advisory parking standard set out in the Councils Vehicle Parking Standards Supplementary Planning Document 2006 (the Parking SPD) and the advisory standard set by Surrey County Council. However, the Council is concerned that occupiers of the two-bedroom flats might own more than one car, and that this provision would therefore prove insufficient. Local residents are concerned that parking would then spill over from the site causing parking congestion and disturbance in the area.
21. The Parking SPD also advises that availability of alternative modes of transport may affect parking levels. The site is close to reasonably frequent bus services along Epsom Road and within walking distance of London Road railway station. Although it was pointed out to me that the London service from this station is a slow one, regular trains into Guildford would also connect to faster services.
22. Epsom Road is a busy A road, with cycle lanes, and, at a short distance to the west of the appeal site, double yellow lines, and parking on it would not therefore be possible. Some side roads in the vicinity of the appeal site, including Guildcroft, are private roads, where parking would not be permitted. There are, however, some unrestricted parking bays not far from the site, which were, at the time of my site visit, not fully parked. The Council has, furthermore, indicated that there is not currently a problem with parking congestion in the area.
23. The evidence put before me from census data suggests that levels of car ownership in flats are generally lower than those relating to houses, and I see no reason to doubt this. Therefore, given the small additional parking need that might arise from the appeal proposal, the availability of alternative forms of transport, and the potential for small amounts of on-street parking within

the area, it appears to me that the appeal proposal would be likely to give rise to low levels of additional parking outside the site, and not likely to generate levels of congestion or nuisance which would harm the living conditions of occupiers of the area. I conclude therefore that adequate provision for parking would be made.

Other Matters

24. The Council has not made the loss of a bungalow or increased density of development on the appeal site a reason for refusal. The site is currently developed at low density, and most forms of development would be likely to increase this.
25. As outlined above, there is a degree of separation and screening between the appeal site and neighbouring dwellings, and I do not as a result consider that the proposal would be likely to have a significant effect on the living conditions of the occupiers of these dwellings in terms of outlook, loss of light, or noise and disturbance created by use of the parking spaces.
26. No technical evidence has been put before me to demonstrate that the proposal would have a harmful effect on highway safety.
27. Although no financial contribution towards the provision of infrastructure has been offered, none has been requested by the Council.
28. No convincing evidence was put before me to demonstrate problems arising from present or future surface water runoff, or of problems arising from overloading of the sewers. In any case, had I been minded to grant permission for the development, these would have been issues capable of being resolved by condition.

Conclusion

29. Notwithstanding my findings in relation to the effect on the privacy of neighbouring occupiers and on parking provision, I nonetheless conclude that the harm to the character and appearance of the area would be significant, and would far outweigh my favourable findings on those matters. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Hamish Watson

HW Planning

Mark Macworth-Praed

David Archer Associates

FOR THE LOCAL PLANNING AUTHORITY:

Katie Williams

Guildford Borough Council

Tim Holman

Guildford Borough Council

Matt Lewin

Barrister acting for Guildford Borough Council

INTERESTED PERSONS:

Mark Davies

Culver Cottage

Rosemary Davies

Culver Cottage

Dr Constance Banetman

7 Guildcroft

Mrs Irene Smith

17 Pit Farm Road

DOCUMENTS SUBMITTED DURING THE HEARING

Doc 1 Enlarged colour extract from the Urban Character Map, Appendix B of the Council's Residential Design Guide SPD 2004.