

Appeal Decisions

Hearing held on 23 May 2017

Site visit made on 23 May 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 16 June 2017

Appeal A - Appeal Ref: APP/Y3615/W/16/3162826 178-184 London Road, Guildford GU1 1XR

- 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 Kris Collett (UK Land Services) against the decision of Guildford Borough Council.
 - The application Ref 16/P/00821, dated 11 April 2016, was refused by notice dated 26 August 2016.
 - The development proposed is the demolition of existing buildings and erection of 10 flats together with relocation of the existing highway access, parking and amenity space.
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Appeal B - Appeal Ref: APP/Y3615/W/16/3165334 178-184 London Road, Guildford GU1 1XR

- 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 Kris Collett (UK Land Services) against the decision of Guildford Borough Council.
 - The application Ref 16/P/01880, dated 14 September 2016, was refused by notice dated 9 November 2016.
 - The development proposed is erection of two x two storey buildings with rooms in roof comprising of nine flats together with the relocation of the existing highway access, parking and amenity space following demolition of existing buildings
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. The main parties agreed at the Hearing that the description of the proposed development for Appeal B should mirror the Council's wording used in its decision notice, and not the incorrect description set out in the planning application form. I am content to make this change.
 3. Prior to the Hearing, the appellant submitted additional reports and surveys in respect to ecology matters, and this precipitated the Council's decision not to defend its fifth reason for refusal for Appeal A. I will not consider the matter further in my decision.
 4. At the Hearing and following a debate on the issue, the Council conceded that matters relating to drainage in relation to Appeal A, which formed the basis of its sixth reason for refusal, could be addressed by the imposition of a planning
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condition. I see no obvious reason to disagree and again I will not consider the matter further in my decision.

5. The appellant submitted two Legal Agreements dated 22 May 2017, one for each appeal, under s106 of the Town and Country Planning Act, which make financial contributions towards the maintenance of Suitable Accessible Natural Green Space within the borough of Guildford, and towards Strategic Access Management and Monitoring. The Council accepts the adequacy of the Obligation and it is no longer defending its seventh reason for refusal for Appeal A and the fifth reason for refusal for Appeal B, which are broadly identically worded.
6. I am therefore content to deal only with the outstanding matters in my decision, which I outline below. And because I am dismissing the appeal on the main issues, it is not necessary to find on the adequacy of the Obligation.

Main Issues

7. Therefore the main issues for both Appeals A and B are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of existing surrounding properties particularly from Block A; and on the future occupiers of the flats; and
 - Whether the proposed development would make adequate off-road parking provision.

Reasons

Appeal A

Character and appearance

8. The appeal site is a strip of land positioned between London Road to the front, and Highclere to the rear and side. The site currently comprises three properties: No. 178 London Road which is a residential dwelling; No. 178A London Road (No. 178A) which is in commercial use; and part of the rear garden, but which lies to the side of No. 184 London Road (No. 184). The appeal site inclines towards the rear boundary. The character of the area is predominately residential comprising a varied mix of dwelling styles and garden sizes.
9. The proposed development would result in a considerable proportion of the plot being consumed by buildings, hardstanding and car parking, leaving very little garden space, gaps or visual relief at the site's boundaries. It would dominate the site and appear considerably cramped and overdeveloped as a result, and would notably appear at odds with the character of the surrounding area. Other nearby parking courts that I saw are not enclosed on a single plot in the same way as the appeal proposal, and are not in my judgement directly comparable. While the positioning of the blocks would not necessarily be inappropriate in design terms, the size and expanse of brickwork projecting onto London Road would appear as rather harsh and unwelcoming frontages.

10. I do not find that the sizes of buildings per se would be incongruous with the surrounding built form, or that the use of crown roofs would not be obvious or unduly notable when viewed from the street, as the Council suggests. While the proposed retaining wall boundary would not be insignificant in size, I do not find that it would appear contrary to its surroundings, where I observed the presence of similar sized enclosures.
11. Nevertheless for the reasons given above, I find that the proposed development would substantially depart from and would cause considerable harm to the character and appearance of the area. It would not accord with policies G5 and H4 of the Guildford Borough Council Local Plan 2003 (with Saved Policies 2007) (Local Plan), or with policies B-EN 1 and B-FD 1 of the Burpham Neighbourhood Plan 2016 (NP). These state that new development, particularly of this scale and size should be designed to a high quality and reflect local distinctiveness, and respect and be in scale and character with the area and has no unacceptable effect on the immediate surroundings. It would also not accord with the Council's Residential Design Guide and the relevant parts of the National Planning Policy Framework (the Framework).

Living conditions

12. I observed that outlook from No. 184 is already somewhat compromised by the existing flank wall of No. 178A. Nevertheless, the proposed Block A would substantially increase the amount of built form along the common boundary, and would in my judgement be considerably overbearing and would worsen outlook for the occupiers of No. 184; and I am not persuaded that additional boundary landscaping and planting would be capable of mitigate this harm. For similar reasons and notwithstanding the slight change in land levels, I find the outlook for the occupiers of Nos. 1 and 3 Highclere would also be significantly harmed as a result.
13. Mutual first floor overlooking within a typical urban residential environment such as this is not necessarily an uncommon or unexpected occurrence for residents. However, the relationship between No. 184 and the proposed Block A would far exceed such tolerable and envisaged levels. Because of the limited separation distance between the two, the future occupiers of Units 3 and 4 would be capable of directly and closely overlooking the occupiers of No. 184 from the living room and kitchen windows, which would severely invade and compromise the privacy of the occupiers of No. 184 as a result, which would again not be alleviated by boundary planting. I am satisfied that the occupiers of Nos. 1 and 3 Highclere would not be severely overlooked from a proposed first floor side bathroom window.
14. Units 5 and 10 would be entirely contained within the roof space of the buildings. While a proportion of each unit would be served only by rooflight windows, the living and kitchen room and the main bedroom of each unit would be served by dormer windows. Taking the units as a whole, I am satisfied that the occupiers of each flat would enjoy an adequate means of outlook.
15. The main parties agree that the quantum of outdoor space provision proposed for the development would accord with that required by Local Plan policy R3, and I have no obvious reason to disagree. Nevertheless, these spaces would be rather narrow and tightly wrapped around the blocks. I find little persuasive evidence before me to suggest that they would be practical, attractive and frequently used. Because of traffic conditions of London Road and the absence

of any obvious and safe crossing point within the vicinity of the appeal site, the linear open space on the opposite side of London Road would not in my judgement compensate for the deficiency of meaningful open space provision on the site.

16. I therefore find, for the reasons given above, that the proposed development would cause significant harm to the living conditions of existing surrounding occupiers, and future occupiers of the flats. The proposed development would not accord with Local Plan policies G1(3) and H4, or with NP policy B-EN 1. These require good design which protects and does not adversely affect the amenities of existing residents and or the future occupiers of the development. It would also not accord with the relevant parts of the Framework.

Parking

17. NP policy B-T 1 requires new development to provide adequate quantum of parking, and that it adheres to specific space sizes. The main parties agree that the proposed development would fall short on both requirements.
18. The main parties agree that the appeal site is sustainably located, being close to Guildford town centre and served by a frequent and regular bus service. In such circumstances, a lower parking provision can be justifiable as a means to promote sustainable patterns of growth by encouraging travel other than by private motor car. As each unit would be served by at least one parking space, I am not necessarily concerned by the under-provision against NP policy B-T 1, and it is not obvious that this would axiomatically lead to parking overspill, and subsequently significant harm to the surrounding road network.
19. However, I do not find the site's sustainable location justifies the provision of undersized parking spaces; the suggestion that occupiers of smaller flats such tend to own or drive smaller cars is without foundation or merit. Accordingly, I find that the proposed development would not make adequate parking provision and would not accord with NP policy B-T 1, details of which I have set out above.

Appeal B

Character and appearance

20. I acknowledge that the spaces around both Blocks A and B would be larger than the Appeal A scheme, but not sufficiently so to persuade me to depart from my findings on the cramped and overdeveloped nature of the proposed development. I am satisfied that the re-orientation of the blocks to face London Road would successfully address the street frontage. However, the use and expanse of unrelieved brickwork on several elevations of both blocks, albeit with good neighbourly intentions, would amount to poor and unattractive facades and would not, in my judgement, embrace the principles of good design as required by the Framework.
21. I therefore find the proposed development would not accord with Local Plan policies G5 and H4 or with NP policies B-EN 1 and B-FD 1, details of which I have set out above, or with Council's Residential Design Guide and the relevant parts of the Framework.

Living conditions

22. I remain of the view for the reasons given in Appeal A that the proposed Block A would be considerably overbearing and would diminish outlook to the occupiers of No. 184; albeit that the block is orientated differently and would project a less amount of building mass on the common boundary. I am satisfied that the occupiers of units 3, 4 and 9, which are entirely or partly contained within the roof space, would enjoy an adequate means of outlook from the units as a whole. I find no reason to depart from my findings above that the open spaces within the site would be unattractive and seldom used, albeit larger than the Appeal A scheme. I therefore conclude the proposed development would not accord with Local Plan policies G1(3) and H4, or with NP policy B-EN 1, details of which I have set out above, or with the relevant parts of the Framework.

Parking

23. The main parties agree that proposed scheme would meet the parking standards as set out in NP policy B-T 1. The policy is less prescriptive on the additional quantum of visitor spaces required for new development. The Council states that only one such space is proposed, but I do not necessarily find this provision would be unacceptable or cause significant harm to the local highway network.
24. A number of parking spaces are proposed to be located on land to the rear of the site, on a current grass verge in Highclere. I observed the limitations of Highclere, and I appreciate local residents' concerns in respect to the potential reliance for larger service vehicles to overhang the grass verge as they navigate the bend in the road. Both the Council and the appellant confirmed at the Hearing that neither had undertaken any analysis of the road conditions in Highclere to allay these concerns. As such, I am unable to conclude with any degree of certainty that the loss of the grass verge would not prejudice the safe operation and manoeuvring of larger vehicles in Highclere. Whether the future occupiers of the proposed development will have right of access to the parking area in Highclere is a private matter and not one I need concern myself with.
25. My findings on the absence of justification for the undersized parking spaces against the NP remain. Therefore, for the above reasons the proposed development would not accord with NP policy B-T 1, details of which I have already discussed.

Other Matters

26. Concerns have been raised by residents in respect to the effect of the proposed development on the local highway network caused by increased traffic in the area. I observed that London Road is a busy thoroughfare with a steady flow of passing traffic in both directions. However, no particular traffic safety issues or concerns have been advanced by any party, and insufficient evidence is before me which suggests that the proposed development could not be accommodated or would cause any significant harm in this regard. The Council has not raised this as an issue. The existing parking situation in Highclere is not a matter before me.

Planning Balance/Whether Sustainable Development

27. Common ground exists between the main parties that the Council cannot demonstrate a five year housing land supply. In such circumstances, paragraphs 49 and 14 of the Framework are engaged. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Paragraph 14 of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. The proposed developments would provide new dwellings to meet the needs of present and future generations, and would make a small but nonetheless welcomed contribution to the Council's five year housing supply. The proposed developments could also provide local construction employment opportunities and would make a contribution to the local economy. The site is also sustainable located as I have discussed above and would promote sustainable patterns of growth. I attach great weight to all of these benefits.
29. However, I find for the reasons given above that both Appeals A and B would cause significant harm to the character and appearance of the area, to the living conditions of surrounding occupiers and to the future occupiers of the proposed units, and would make inadequate provisions for parking. In applying the tilted balance of bullet point 4(1) of paragraph 14 of the Framework, I find that the combined harm for Appeal A, and for Appeal B, would significantly and demonstrably outweigh the benefits the proposed developments I have identified. I therefore conclude that the proposals would not amount to sustainable development in applying the Framework as a whole, and the balance would therefore lie against both schemes.

Conclusion

30. For the reasons given above I conclude that Appeals A and B should be dismissed.

R Allen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Thomas Rumble MRTPI	Planning Consultant
Mr Bill Springett	Planning Consultant
Mr Arwyn Norris	Planning Consultant
Mr Kris Collett	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Michael Parker	Principal Planning Officer
Mr Richard Hanstock	Cornerstone Barristers
Mr Dan Knowles	Planning Officer
Ms Rebecca Souter	Planning Officer
Ms Efua Fynn	Flood Officer Surrey County Council

INTERESTED PERSONS:

Mr Richard Morphy	Local Resident
Mrs Teresa Hogan	Local Resident

DOCUMENTS SUBMITTED

1. Signed and executed Legal Agreements under s106 of the Town and Country Planning Act submitted by the appellant.
2. Photographs of parking courts in the surrounding area submitted by the appellant.
3. Amended drawings 15-084-11A and 15-084-12A in relation to Appeal A submitted by the appellant.
4. Appellant's 3D drawings (for ease of reference) submitted by the Council.