

Appeal Decision

Site visit made on 16 May 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 7th July 2017

Appeal Ref: APP/Y3615/W/17/3169598

13 Lower Edgeborough Road, Guildford GU1 2DX

- 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 The Cherwell Group against the decision of Guildford Borough Council.
 - The application Ref 16/P/02070, dated 12 October 2016, was refused by notice dated 16 January 2017.
 - The development proposed is demolition of existing building and erection of 14 flats (C3) with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following my site visit the appellant submitted an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 signed and dated 16 June 2017. This contains obligations relating to mitigation measures in respect of the Thames Basin Heaths Special Protection Area and educational contributions. As such the agreement overcomes the Council's fifth and sixth reasons for refusal. I am satisfied that these contributions are 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 therefore consistent with Regulation 122 of the Community Infrastructure Regulations, 2010.
3. A revised plan (919/01 Rev A) amending the application site boundary was submitted by the appellant during the appeal process. The Council indicated that the reduction in area would not lead to any party being prejudiced and would not materially affect the proposals. I share this view and therefore have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area including its effect on the Waterden Road Conservation Area and its setting and the setting of the locally listed building Abbeyfield;
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- the effect of the proposed development on the living conditions of neighbouring occupiers at Eversleigh and 13A Lower Edgeborough Road with particular reference to privacy and outlook; and
- whether the proposed development would provide acceptable living conditions for future occupiers with reference to the provision of private amenity space.

Reasons

Character and Appearance

5. The appeal site is located on the north-eastern side of Lower Edgeborough Road. It is occupied by a two storey detached dwelling set within a spacious plot with extensive planting and landscaping to the front, alongside an area of hardstanding. Adjacent to the appeal site to the north-west is Eversleigh a two storey block of flats with a separate rear garage block and to the south-east is 13A Lower Edgeborough Road, a single storey bungalow. Opposite the appeal site is Danesrood, a cul-de-sac development dating from the 1980s.
6. Lower Edgeborough Road is characterised by a range of different residential property types including bungalows, semi-detached, detached and terraced properties and flats which are either purpose built or conversions of former single dwellings. Whilst the street demonstrates a variety of built forms with buildings on varying sized plots it derives much of its open and spacious suburban character from the mature landscape of trees and other vegetation located within gardens.
7. The proposed development would comprise a three storey block of flats which would be higher than the existing property and therefore considerably higher than 13A Lower Edgeborough Road. The top storey would be set in from the side and rear elevations and would have a shallow pitched roof and central flat section. I do not find a three storey development in itself to be an excessive height as there are other examples of three storey buildings locally. However, these tend to have the top floor incorporated into roofspace in contrast to the proposal which would clearly appear as a three storey building with a roof above, particularly given the prominence of the first and second floor front projection. The additional height would therefore fail to respond to the immediate context of the site.
8. The projecting central section at first and second floor levels would extend beyond the building line formed by neighbouring properties. Furthermore, the proposed development would be considerably deeper than the existing property although at the rear it would be stepped in from the sides. It would extend much closer to the side boundaries than the existing house particularly on the south eastern boundary.
9. A considerable element of the bulk of the building is centred to the rear where various design approaches serve to create visual interest and break up the massing. Whilst the proposal would be no nearer to the side boundaries than 13A Lower Edgeborough Road, the combination of its width, bulk and mass compared to would result in a development which failed to reflect the local character.
10. The proposal would incorporate large balconies projecting to the front and rear which would add to the bulk. The front balconies would extend beyond the

proposed central projection and well beyond the eaves. They would be uncharacteristic of the local area and a contrived addition to the massing. Other elements of the design do not respond sensitively to local characteristics particularly the use of large areas of glass.

11. The side elevations of the building would be largely blank with limited fenestration but such an arrangement is not uncommon among blocks of flats locally. Similarly I do not find harm with the primary materials which are not uncharacteristic of the local area which contains an extensive palette of materials and in any event could be subject to a planning condition.
12. To the front of the plot the landscaped garden would be replaced by hardstanding covering virtually the entire width of the plot and extending close to the front boundary, providing a formal parking layout. The provision of cycle storage and refuse storage would further limit the opportunities for landscaping or replacement trees. The amount of additional hardstanding proposed compared to the existing provision and the loss of existing landscaping, trees and extensive vegetation would significantly alter the character of the site, creating a character which was more in keeping with the town centre than a suburban setting.
13. Whilst other properties along Lower Edgeborough Road have extensive areas of hardstanding these tend to be obscured from view by soft landscaping whereas the proposed building and associated hardstanding would be more visually intrusive. Large tarmacked areas which form part of the highway such as the cul-de-sac opposite do not justify the introduction of extensive hardstanding within a private property. Proposed changes to boundary treatments would also fail to compensate for the considerable net loss of vegetation.
14. The proposal would therefore have a significantly greater height, footprint, bulk massing and scale than the existing house resulting in a cramped appearance within the plot and being out of scale with its surroundings. The built form, together with the change from the soft landscape to a more dense urban form would be in stark contrast with the suburban character which currently exists.
15. I have also had regard to the fact that the existing building could be considerably extended utilising permitted development rights rather than applying for planning permission but this has not altered my conclusion.
16. I therefore find that the proposed development would be contrary to Policy H4 of the Guildford Borough Local Plan, 2003 (the Local Plan) as it would not be in keeping with the character of the local area and would have an unacceptable effect on the context and character of the immediate surroundings.
17. The proposed development would also be contrary to Policy G5 of the Local Plan in failing to respect the existing relationship with 13A Lower Edgeborough Road or the scale and proportions of the surrounding environment. It would provide a landscape dominated by hardstanding with limited opportunities for trees and other planting thereby failing to integrate into the existing townscape and landscape.
18. The proposal would also be contrary to the advice in paragraph 64 of the National Planning Policy Framework (the Framework) which states that planning permission should be refused for development of poor design that fails to take opportunities to improve the character and quality of an area.

19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area when deciding whether to grant planning permission. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation and the more important the asset the greater the weight should be. It indicates that significance can be harmed through development within its setting.
20. The appeal site is not within the Waterden Road Conservation Area but the boundary runs along the south-western side of Lower Edgeborough Road. The character of the conservation area is described in the Waterden Road Conservation Area Study and Character Appraisal as a High Victorian suburb, predominantly in residential use, characterised by large townhouses and villas set in substantial plots. The Character Appraisal acknowledges that trees and other mature vegetation as well as private gardens and boundary treatments make an essential contribution to the conservation area.
21. The Character Appraisal identifies views and vistas of importance to the conservation area but there are none in the vicinity of the appeal site, either into or out of the conservation area or along Lower Edgeborough Road. Furthermore the Character Appraisal makes no reference to the setting of the Conservation Area in respect of Lower Edgeborough Road. Nevertheless, as acknowledged by the appellant, the appeal site is within the setting of the conservation area, defined in Framework as the surroundings in which it is experienced. Whilst the setting of the conservation area provided by Lower Edgeborough Road has been eroded in part by the introduction of more modern forms of development it retains a suburban character with buildings set back from the road within individual plots with a mix of hardstanding and vegetation.
22. The appeal site makes a positive contribution to the setting of the conservation area provided by the suburban character of extensive mature landscaping, trees and other vegetation. The setting also contributes to the significance of the conservation area as a designated heritage asset. Whilst the proposals would not result in harm to the setting of the conservation area in respect of views into or out of it, the proposal would remove existing vegetation which contributes to the setting and would change the character to a hard urban townscape. This would result in harm to the setting and to the significance of the conservation area as a whole. It would therefore be contrary to Policy HE10 which seeks to prevent development which would harm the setting of a conservation area.
23. The proposal would result in less than substantial harm to the Waterden Conservation Area. Paragraph 134 of the Framework states that where less than substantial harm would result, this should be weighed against the public benefits of the proposal including securing its optimum viable use. This is addressed in the planning balance below.
24. Beyond Eversleigh, to the north-west is Abbeyfield, a locally listed Edwardian building and therefore a non-designated heritage asset. Paragraph 135 of the Framework states that the effect of an application on the significance of non-

designated heritage assets should be taken into account in determining the application.

25. Abbeyfield is a three storey building with a pitched roof and chimneys and has a considerable footprint, all contributing to its large scale. It sits within a large plot and is set back from the road within an area of hardstanding but within a mature landscape which limits its visibility from the road. Its architectural and historic interest derives from its front elevation and the contribution to suburban housing in the 19th century. Given the distance between the appeal site and Abbeyfield and the lack of visual relationship between the two I do not consider that the appeal site has an architectural or historic connection and therefore find that the appeal site makes a neutral contribution to its setting. Accordingly, I do not find conflict with Policy HE6 of the Local Plan as the development would not adversely affect a building on the local list or its setting.

Living Conditions for Neighbouring Occupiers

26. The proposed development would extend considerably beyond the rear of the adjoining block of flats at Eversleigh. The upper floor would be set back from the first floor and the proposed building would not adversely affect daylight or sunlight reaching neighbouring properties. In addition, the rear windows of Eversleigh look out onto an area of hardstanding and garages which have limited value in terms of private or communal garden space. Nevertheless I consider that given the proximity of the proposed development to the boundary there would be an overbearing impact on occupiers of that property by virtue of its height, scale and depth.
27. Taking account of the position of 13A Lower Edgeborough Road adjoining the boundary I find that the proposed development, by virtue of the height, depth and proximity to the boundary would have an unacceptable overbearing impact on the living conditions of occupiers of no. 13A. I also find that the first and second floor rear balconies which would project beyond the rear of its neighbour would result in users of the balconies being able to see into the rear garden of no. 13A and would result in a material loss of privacy for occupiers of that property.
28. The appellant has indicated that to overcome any perceived impact of overlooking screening could be provided, secured by condition but it is unlikely that any screening would overcome the perception of overlooking irrespective of the elimination of direct overlooking.
29. Notwithstanding that there have been no objections from neighbouring occupiers, I find that the proposals would be contrary to the requirement of Policy G1 (3) of the Local Plan to ensure that the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms of privacy, and Policy H4 of the Local Plan which aims to ensure that new housing has no unacceptable effect on the amenities enjoyed by the occupants of buildings in terms of privacy or on the context and character of adjoining buildings.
30. The proposal would also be contrary to the core planning principle of seeking to secure a good standard of amenity for all existing and future occupants of buildings as set out in paragraph 17 of the Framework and the requirement for good design in paragraph 64.

Living Conditions for Future Occupiers

31. Private amenity space for the proposed three bedroom flats (6 and 10) would comprise balconies of 9 square metres whilst the two bedroom flats (7, 9, 13 and 14) would have balconies of 5 square metres. The Council does not have any adopted standards or guidance on balcony sizes against which the proposals can be judged. Nevertheless, I note that flat 8 which is a one bedroom first floor flat has a balcony which larger than that proposed for the two bedroom units. Moreover, the three bedroom flats which are more likely to provide family accommodation than the smaller units are at first floor level whereas the smaller ground floor flats have access to larger gardens. Although the Council informally suggested that 10 square metres would be an appropriate amount of space for a three bedroom flat I consider that taking account of the appeal site's suburban location and the opportunities which the site presents to provide amenity space the amount proposed for flats 6, 10, 7, 9, 13 and 14 would be inadequate.
32. I therefore find that the proposals would be contrary to Policy H4 of the Local Plan in respect of the unacceptable effect on the amenities of building occupants. It would also be contrary to the core planning principle of seeking to secure a good standard of amenity for all future occupants of buildings as set out in paragraph 17 of the Framework and the requirement for good design in paragraph 64.

Other Matters

33. In addition to issues addressed above local residents raised a number of other concerns in respect of traffic generation, parking and utilities. I have had regard to those comments and also to the views of the Highways Authority but they do not alter my conclusion.

The Planning Balance and Conclusion

34. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 indicates that an application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would not be in accordance with the development plan because of conflict with, or not supported by, Policies H4, HE10, G1 and G5 of the Local Plan.
35. Having regard to the statutory requirement to consider the effect of the proposals on the character or appearance of the conservation area and guidance in the Framework I find that the proposal would result in less than substantial harm to the setting of the conservation area. In line with paragraph 134 of the Framework the less than substantial harm should be weighed against the public benefits of the proposal. It would also adversely affect the setting of conservation area contrary to Policy HE10 of the Local Plan.
36. The benefits of the proposal are primarily the provision of a net addition of 13 new homes in a highly sustainable location which should be seen in the context of the Framework requirement at paragraph 47 to boost significantly the supply of housing. The provision of a range of sizes providing a choice of housing and a disabled unit are also benefits particularly in the context of the Council not being able to demonstrate a five year supply of housing. Economic benefits

would include the generation of employment during construction and the general contribution which future residents would make to the local economy. Significant weight can be given to the housing provision whilst in the context of Guildford as a whole the economic benefits carry limited weight.

37. The Framework requires that great weight is given to the conservation of heritage assets. I have identified harm to the setting of the conservation area to which I give considerable weight. Nevertheless, I consider that the public benefits of the proposals would be sufficient to outweigh the harm to the significance of the designated heritage asset. I therefore find that the appeal scheme would not conflict with policies of the Framework relating to the historic environment.
38. Paragraph 49 of the Framework states that in the absence of a five year supply of housing relevant policies for the supply of housing cannot be considered up-to-date. In these circumstances paragraph 14 of the Framework states that planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate that development should be restricted.
39. Footnote 9 of the Framework identifies the type of specific policies which would mean that paragraph 14 was not engaged and policies related to designated heritage assets are one such example. As I have found that the proposal would not conflict with policies of the Framework relating to the historic environment paragraph 14 is engaged in this case.
40. The adverse impacts of the scheme are its impact on the character and appearance of the area, the failure to secure a high quality of design which shows respect for local context, the effect of the proposals on the living conditions of neighbouring residents in respect of an over bearing impact and loss of privacy and a failure to provide adequate amenity space for future occupiers of the proposed development. Taken together I find that those adverse impacts would significantly and demonstrably outweigh the benefits, identified above, when assessed against the policies in the Framework as a whole, and with regard to the development plan as a whole.
41. For the reasons set out above, and taking into account all other matters raised I conclude that on balance the appeal should be dismissed.

Kevin Gleeson

INSPECTOR