
Appeal Decision

Site visit made on 30 May 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 12 July 2017

Appeal Ref: APP/Y3615/W/17/3169447

Summer Court, Northdown Lane, Guildford, GU1 3TS

- 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 Mrs Christine Young against the decision of Guildford Borough Council.
 - The application Ref 16/P/01901, dated 19 September 2016, was refused by notice dated 24 October 2016.
 - The development proposed is described as "Proposal to demolish the existing two storey detached 1970's dwelling of limited architectural merit and to erect a new contemporary, architect designed development, consisting of 6 x 2 bedroom apartments. The proposal is to include associated parking for 12 cars, cycle spaces and bin storage within the under-croft, supplemented by a comprehensive landscape strategy for the surrounding grounds".
-

Decision

1. The appeal is dismissed.

Background

2. One of the reasons for which permission was refused was on harm to the Thames Basin Heaths Special Protection Area (TBHSPA) in the absence of a financial contribution towards mitigation measures. The appellant has since entered into a Section 106 Agreement with the Council for the required contribution. As such I am satisfied that the TBHSPA reason for refusal has been overcome. This is reflected in my choice of issues below.

Main Issue

3. The main issues in this appeal are: **first**, is the effect of the proposed development on the character and appearance of the surrounding area; and **second**, other matters and the overall planning balance arising from the absence of a 5 year housing land supply.

Reasons

Character and appearance

4. The appeal site is in an attractive low-density suburban location in Guildford known as The Chantryes. It fronts onto Northdown Lane. To the east lies Northdown House, to the south Little Tylers and to the north on the opposite side of the lane Eden House. The site is close to open countryside. To the

- north- east of the site lies a tall ridge of chalk downland known as Pewley Downs.
5. Currently on the site there is a modestly sized mid 1970's detached 2 storey house on a plot not unduly large for a dwelling of this size. Although of no great architectural merit it is a pleasing building and sits unobtrusively in its setting. Houses in the vicinity vary in age and style, albeit they are mainly of traditional design and materials and have pitched roofs. Most of the houses, including that on the appeal site, are well screened by trees or hedgerows. The design, materials and screening of the houses reduces their visual impact even though some of the houses are quite large. An exception to this is Eden House, a tall and dominant property on land well above Northdown Lane and poorly screened from it. It stands out as an anomaly in the area.
 6. The proposed development is for 6 two bedroom apartments in a single 3 storey block. It is of a modern contemporary design with ceramic/stone clad walls, glazed balconies and a flat grass covered roof. Given the varied design of houses in the vicinity I see no problem per-se with a property of a contemporary design on the appeal site. There would be an, albeit minor, benefit in some reduction in hardstanding on the site.
 7. However, there are aspects of the proposed development which give cause for concern. First, at 3 storeys high and with a flat roof it would, even though being no higher than the ridge height of the existing house, appear a significantly more dominant building. An attempt to reduce its bulk by recessing slightly the upper floor would be insufficient to minimise this effect. Second the use of grey ceramic stone cladding, ceramic stone cladding and dark brick for the walls would result in an unduly sombre looking building.
 8. The existing house is well screened from the road by substantial hedgerows and it is intended that these would be retained and additional planting is proposed. However, the new building would be seen in views down the proposed access. From many long distance views identified by the appellant the proposed development would be seen at such a distance as to have no significant impact on the character and appearance of the area. However, from what I saw from some medium distance views, in particular from the high ground of Pewsey Downs to the north-east of the site, a building of the additional bulk proposed and sombre materials would appear, even with the use of a "green" roof, out of keeping in an area where housing is generally less intrusive. This would be of substantial detriment to the character and appearance of the area.
 9. Although not in the immediate vicinity of the site permission has been granted in this residential area to the south of Guildford for some houses of contemporary design amidst older established housing. However, these differ from the current proposal in terms either of location, materials or impact on medium distance views. Thus they provide little guidance on the acceptability of the scheme before me.
 10. It is concluded that the proposed development would detract from the character and appearance of the surrounding area. It would be contrary to Policies G5 and H4 of the Guildford Borough Local Plan 2003 which require new buildings to respect the scale and proportions of existing built form in the location and be in scale and character with the area.

Other matters and planning balance

Other 3rd party matters raised against proposal

11. Concerns have been raised by 3rd parties on the impact of the proposed development on neighbours' living conditions. However, all that I saw indicated that the orientation of the proposed development, boundary screening and distance from nearby houses would prevent unacceptable harm though visual impact and loss of privacy. The proposed development would not be of a scale to cause the highway problems alleged and there is no professional evidence to support concerns raised on its impact on biodiversity and infrastructure.

Other matters for proposal

12. The proposal would provide a net increase of 5 units of accommodation in a District with a marked shortfall in its 5 year Housing Land Supply. This is a material consideration in favour of the proposal. The site is within an existing urban area where the principle of residential development is not in question. There would be some economic benefits in, amongst other things, employment during building work.

Planning balance

13. In the absence of a 5 year housing land supply relevant policies for supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. Where policies are out of date, as in this case, paragraph 14 establishes that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
14. In this case there would be a social benefit in providing new housing, and in adding to the housing mix in an urban location in reasonable proximity to the town centre, where there is an absence of a 5 year housing land supply. There would also be the economic benefits referred to above. However, the weight to attach to these social and economic benefits would be small given the modest scale of the proposed development and the limited effect it would have on increasing the supply of housing. Third party concerns on the effect of the proposal are unfounded.
15. Set against the limited benefits referred to above, and lack of harm regarding the other 3rd party concerns, would be harm arising in relation to the character and appearance of the area. Given the attractiveness of this residential area, and the general locality, I attach substantial weight to this harm. I find that, taken overall, the harm I have identified is of a degree that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Policies in the Framework taken as a whole.
16. The Framework says that housing applications shall be considered in the context of the presumption in favour of sustainable development. It identifies 3 dimensions to such development, an economic role, a social role and an environmental role. From my findings above it is clear that in some respects the first 2 roles would be met by the proposed development and thus in part of there would be compliance with the Framework. However, the harm identified means that there would be conflict with the environmental role to a degree which means that, seen in the round, the proposal would not be sustainable

development and would be contrary to the development plan when read as a whole.

Conclusion

17. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR