



Appeal Decision

Site visit made on 1 August 2017

by **R J Marshall LLB DipTP MRTPI**

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

Decision date: 7 September 2017

Appeal Ref: **APP/Y3615/W/17/3173932** **2, Tangier Road, Guildford, GU1 2DE**

- 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 and Mrs Williams (St Edmunds Developments), against the decision of Guildford Borough Council.
 - The application Ref 16/P/02563, dated 20 December 2016, was refused by notice dated 13 February 2017.
 - The development proposed is demolition of existing 3 storey dwelling and garage and replacement with a building comprising 6 no. 2 bedroom apartments.
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Decision

1. The appeal is dismissed.

Background

2. From the representations made by the Council I take it that the appeal site lies within 5km and beyond 400m of the Thames Basin Heaths Special Protection Area (SPA). To mitigate the effect of residential development in the vicinity of the SPA the Council requires a financial contribution towards an upgrading of an existing Suitable Alternative Natural Green Space (SANG) and Access Management and Monitoring. The absence of an agreement for such contributions was one of the grounds on which planning permission was refused. However, a Section 106 Agreement has been signed by both parties for the required contribution. Thus the Council's concerns on this point are overcome.

Main Issues

3. The main issues in this appeal are: **first**, the effect of the proposed development on the character and appearance of the surrounding area; and **second**, its effect on the living conditions of those at the immediately adjoining properties with special reference to visual impact and privacy.

Reasons

Character and appearance

4. The appeal site is in an attractive suburban area of Guildford. The site is at the junction of Tangier Road and Epsom Road. It has a frontage onto the former Road and its northern boundary abuts the latter road. Tangier Road is a minor town road whereas Epsom Road is a major A class road. Development fronting

Tangier Road is solely residential comprising predominantly quite large houses, or varied design, sited relatively close together but on quite substantial plots. Along Epsom Road development is more varied. In places there are houses similar to those in Tangier Road but there are also some more substantial developments of flats and similarly large properties. However, at the junction of the 2 roads development on the appeal site would predominantly be seen in relation to Tangier Road.

5. The house currently on the appeal site that would be demolished to make way for the proposed development although of no great architectural merit is quite unobjectionable. It is larger than most of the houses in Tangier Road, being lengthier and taller. However, it still has the proportions of a single dwelling and thus does not look out of keeping. By contrast the proposed development, although of no greater width across the plot, would have a far more elongated appearance due to extensive ridgelines and less variation in height. The fact that the property would be slightly lower even than the adjoining house to the south would, even with the hipped roof design, exacerbate its elongated appearance. As such it would be of notably different proportions to the other houses nearby in Tangier Road and would not have the appearance of a single dwelling. Even with the use of materials matching those of other properties in the road this would result in development unacceptably out of keeping.
6. Adding further to the incongruity of the proposed development would be the amount of frontage car parking proposed. Nine car parking spaces are indicated along the frontage of the site with Tangier Road. Even with some frontage and other screening cars parked on the spaces would be visible from the street. I accept that a substantial amount of the frontage of the site is currently hardstanding and that quite a number of other properties nearby in Tangier Road also have some fairly extensive frontage hardstanding. However, in my experience, and from what I saw, this is unlikely to lead to the degree of frontage parking that would arise from the proposed development.
7. I do not find all aspects of the proposed development as objectionable as the Council allege. I see no harm in the modestly sized dormer windows, especially given some other such windows in the area. Nor would the crown style roof be notably visible from road level. Furthermore, the forward most projection of the proposed development towards Epsom Road would not appear out of keeping in the context of other development along this road. However, these matters do not make the proposal acceptable in design terms given the harm I have found above.
8. Most of the larger developments of flats I have been referred to are along Epsom Road. As such they are in an area with a more varied character and appearance than Tangier Road and do not indicate that the proposed development should be accepted. A flatted development brought to my attention in a residential road to the north of Epsom Road is on a much larger and well screened site and as such is assimilated far better into the street scene than the proposed development would be.
9. It is concluded that the proposed development would detract from the character and appearance of the surrounding area. As such it would be contrary to Policies G5 and H4 of the Guildford Borough Local Plan (LP) which require new development to respect the proportions of existing built form and be in character with the area.

Living conditions

10. The orientation of the proposed development to No. 4 Tangier Road to the south, and its distance from that property, would be sufficient to prevent any unacceptable harm through visual impact. Part of the proposed development would extend forward of No. 90A Epsom Road. However, given the distance of the proposed development from this property the degree of forward extension would not be such as to cause harm through over dominance.
11. Turning to privacy the southern leg of the proposed development would, at first-floor level, have a living room and a family room window looking towards the rear garden of No. 90A Epsom Road. The windows would be approximately 13m from the boundary fence. I appreciate that in many housing developments, especially when looking at back-to-back situations and where first-floor windows are to bedrooms, this would give no cause for concern. However, it is far more likely that family rooms and living rooms would be occupied at a time of day and in a way that would give much greater likelihood of overlooking giving rise to loss of privacy.
12. The western leg of the proposed development would have 2 living room windows looking towards the rear garden of No. 4 Tangier Road. As they would be at a distance of around 15m to the boundary fence I likewise consider that this also would, even with the difference in ground levels, give rise to unacceptable loss of privacy. I accept that there is already some overlooking at much closer proximity to the boundary from a second-floor window in the existing house. However, the line of vision is mostly onto the side elevation of the house, with only an oblique view of the garden. Therefore overlooking from this window onto the neighbour's garden is more limited. At first-floor level there are some existing windows in the side elevation of the existing house that look out onto the garden of No. 4 Tangier Road. However, from what I saw they are unlikely to be to living room windows and no evidence to the contrary has been given. Another existing window sited further back from the property boundary is to a bedroom window and thus likely to cause less loss of privacy than what is proposed.
13. It is concluded that whilst there would be no harm in relation to visual impact there would be detriment to the living conditions of the 2 adjoining properties through loss of privacy. Thus there would be conflict with LP Policies G1 and H4 which seek to protect residents' amenities from, amongst other things, loss of privacy.

Other matters and planning balance

Other third-party matters raised against proposal

14. Concerns have been raised about additional traffic being generated onto the Epsom Road/Tangier Road junction. However, there is no technical evidence this junction is substandard and unable to accommodate the modest degree of additional usage that would arise. Nothing that I saw suggested to the contrary. There is no technical evidence to justify concerns that inadequate car parking spaces would be provided.

Matters for proposal

15. The proposal would provide additional residential units in an urban area in a reasonably sustainable location. Moreover, the Council does not contest the

appellant's statement that it has a shortfall in its 5-year housing land supply. These are material considerations in favour of the proposal.

Planning balance

16. In the absence of a 5-year housing land supply relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the National Planning Policy Framework (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.
17. In this case there would be a social benefit in providing new housing and some economic advantage through job creation especially in the construction phase. However, both of these advantages would be limited by the modest scale of the proposal.
18. Set against the limited benefits referred to above would be the environmental harm arising from the harm to the character and appearance of the area and also the harm that would be caused to living conditions. I attach substantial weight to this harm.
19. Given the above 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. The proposal would not be sustainable development and would be contrary to the development plan when read as a whole.

Conclusion

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

R J Marshall

INSPECTOR