



Appeal Decision

Site visit made on 2 October, 2017

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

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

Decision date: 31st October, 2017

Appeal Ref: APP/Y3615/W/17/3178962

Annfield House, 5 Maori Road, Guildford, GU1 2EG

- 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 Searchfield Homes against the decision of Guildford Borough Council.
 - The application Ref: 17/P/00245 dated 15 December, 2016 was refused by notice dated 23 May, 2017.
 - The development proposed is the erection of 7 dwellings together with alterations to vehicular access, car parking and landscaping following demolition of existing dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 7 dwellings together with alterations to vehicular access, car parking and landscaping following demolition of existing dwelling at Annfield House, 5 Maori Road, Guildford, GU1 2EG in accordance with the terms of the application Ref: 17/P/00245 dated 15 December, 2016 subject to the Schedule of Conditions to this decision.

Application for costs

2. An application for costs was made by Searchfield Homes against Guildford Borough Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. The description of the development given on the application form was for the erection of 8 dwellings together with alterations to vehicular access, car parking and landscaping following demolition of existing dwelling. The scheme was amended during the application process to the erection of 7 dwellings and the other associated alterations. It is clear that the Council determined the application on the basis of the amended plans and description, and I have done the same.

Main Issues

4. The main issues are the effect of the proposed development on i) the character and appearance of the area; ii) the living conditions of the occupiers of 8 Easington Place, with particular regard to noise disturbance and odour; and iii) the Thames Basin Heaths Special Protection Area.

Reasons

5. Annfield House is a substantial detached house in large L-shaped gardens, situated in a predominantly residential area of Guildford. There is a detached

games room and a separate garage-type building in the rear garden area.

Maori Road is a pleasant, tree-lined street, which includes a range of styles and designs of houses, as well as a day nursery and a school. Notwithstanding the Council's accepted lack of a demonstrated five year housing land supply, the parties agree that the principle of the proposed residential redevelopment is acceptable in the identified urban area.

6. It is proposed to remove Annfield House and the outbuildings and construct seven new dwellings on the site. Access would be taken from Maori Road at the existing access point, with a widened entrance and driveway and a turning head to serve the properties at the rear of the site. A refuse collection point would be situated close to the entrance point. A number of existing trees would be removed to facilitate the development. A public right of way, referred to as Cross Lanes, runs adjacent to the rear of the site.

Character and appearance

7. Annfield House covers a significant proportion of the width of the site, and the two detached houses proposed at the front of the development would occupy a similar position, with a front drive and parking area similar to that currently in place. These houses would be partially screened and softened in the street scene by the existing front boundary wall and street trees. While the roof heights would be somewhat taller than that of Annfield House, there would be a modest gap between the two dwellings and the degree of setback would also help ensure that the new houses would not look unduly dominant or cramped from Maori Road. Furthermore, I saw that elements of the overall design of the 7 houses reflect features of other buildings nearby, including in relation to the style of fenestration and materials proposed.
8. The five houses proposed at the rear of the site would be partially visible from Cross Lanes, but again views from the path would be broken and softened by existing trees and other vegetation. Each house would have a reasonably sized rear garden, generally separating the new buildings from the path. Plot 6 would be positioned side-on to the path at close proximity. While the height, bulk and mass of this building would significantly change the outlook across the site from Cross Lanes at this point, I am not persuaded that this change would result in significant harm to the character and appearance of the area.
9. This is because the layout is such that each new building would have space around it, including front and rear garden areas, and the development would also provide adequate access, turning and parking facilities. While the density of development would appear greater than the existing dwelling, and some others large dwellings in large plots in the road, it would appear less dense from both Cross Lanes and Maori Road than the adjacent development at Easington Place. While Easington Place has a different character and appearance to most other immediately surrounding development, it forms part of the overall mix of pattern and type of development in the area, which is not uniform in character or appearance. The proposal would therefore not be significantly at odds with its surroundings.
10. I note the Council's concerns relating to access for emergency vehicles, which it links principally to vehicle access requirements set out in the Building Regulations and particularly adequate tree clearance and suggests is indicative of an unduly cramped scheme. However, I note that the site entrance would be widened as a result of the scheme for seven dwellings, and there would be

associated tree removals and works. I also note that there have been no concerns raised by the local highway authority in relation to emergency access. The appellant's swept path analysis for a pumping appliance shows that such a vehicle could access and turn within the development and, while such vehicles are not necessarily of standardised size, there is no significant counter evidence before me to indicate that appropriate access and clearance could not be achieved. Moreover, while in part further facilitating access for larger vehicles, the scheme would have a generally spacious layout at the front of the site, including in terms of the separation between 8 Easington Place (No 8) and the proposed houses.

11. In light of the above, I consider that the proposal would not constitute overdevelopment or have an unduly cramped or prominent appearance, including from Cross Lanes. I conclude that the proposal would not harm the character and appearance of the area. It would therefore generally accord with saved Policies G5(2) and G5(5) of the Guildford Borough Local Plan 2003 (the LP), which respectively seek to ensure that new buildings respect the scale, height, proportions and materials of the surrounding environment, and that the layout is easily understood by the user and creates identifiable character. It would similarly accord with saved Policy H4 of the LP, which among other things seeks to ensure that housing development is in scale and character with the area. These policies pre-date the National Planning Policy Framework (the Framework) but are generally consistent with it and so I have given them significant weight in this appeal.
12. The proposal would also be generally consistent with the relevant requirements of the Council's adopted Residential Design Guide Supplementary Planning Guidance 2004 and the good design requirements of the Framework.

Living conditions

13. The new access drive would run adjacent to the common boundary with 8 Easington Place, where there is a close boarded fence. The house and garden at No 8 is set at a notably higher level than the appeal site. All traffic associated with the occupation of the five houses at Plots 3 to 7 would pass No 8 along the drive. However, the parking and turning provision would be laid out close to the new houses, and well separated from No 8. The appellant's Transport Statement, prepared by Vision Transport Planning and submitted with the appeal, identifies that the proposed development would be expected to generate around 37 vehicular trips daily (18 arrivals and 19 departures), based on TRICS analysis. Around 27 trips during the course of a typical day would relate to Plots 3 to 7 and thus pass alongside No 8, and of these around 3 vehicular trips would be expected during the am and pm peak periods.
14. The Council has provided no significant evidence to counter the identified trip rates. In the context of an urban area, and having regard to background traffic movements in Maori Road, Easington Place and along nearby Epsom Road, I consider that the magnitude of trips generated would not be significant in respect of the overall living conditions experienced at No 8. Furthermore, the drive would be set down from No 8, which itself would limit the visibility and effects of vehicle movements from No 8 to a degree. Moreover, the Environmental Noise Survey and Noise Impact Assessment Report, prepared by Hann Tucker Associates and carried out by a member of the Institute of Acoustics, identifies that the dominant noise in the area is from road traffic. An

assessment of noise levels at No 8 arising from the development and the associated increase in traffic indicates differences of between 1dBA and 3dBA. The report advises that these figures relate to a 'just perceptible change in loudness' in the garden of neighbouring properties during the day.

15. This is found to be of minor significance and, including in the absence of any significant counter evidence, and having regard to the urban context, the likely levels of traffic and that traffic is unlikely to stop adjacent to No 8 resulting in additional noises such as slammed doors, I agree that the effect at No 8 would be perceptible but not significantly harmful to the living conditions experienced there.
16. It is proposed that on refuse collection days, bins would be left in a designated area at the front of the site, between the access point to Maori Road and the end of the rear garden of No 8. No significant evidence has been presented to demonstrate that this would represent a significant odour concern. Given that the area would be used only on collection days and would not be a formal, ongoing refuse storage area, I am not persuaded that significant odour issues are particularly likely to arise. Householders' bins would generally be stored at each house between collection days. The movement of wheelie bins to the and from the collection point would be unlikely to result in significant noise and disturbance to nearby residents. Furthermore, this strategy would prevent the need for the refuse vehicle to enter and turn within the site, notwithstanding that swept path analysis indicates that this would be achievable. I consider that any noise generated by the movement of bins to the collection point would be likely to be less intrusive than generated by the passage of the refuse vehicle through the site.
17. For these reasons, I consider the development would not amount to materially harmful disturbance to the living conditions and residential amenity of neighbouring residents. I therefore conclude that the proposal would not harm the living conditions of the occupiers of 8 Easington Place, with particular regard to noise disturbance and odour. Consequently, it would accord with saved Policy G1(3) of the LP, which seeks to protect the amenities of occupants from unneighbourly development, including in relation to noise and smell. This policy pre-dates the Framework but is generally consistent with it and so I have given it significant weight in this appeal.

Special Protection Area

18. The site lies within the 5km zone of influence around the Thames Basin Heaths Special Protection Area (TBHSPA), a European designated site, where saved Policies NE1 and NE4 of the LP essentially set out that proposals that would directly or indirectly adversely affect the nature conservation value or protected species will not be granted. Within the 5km zone, it is established that any development resulting in a net increase in the number of dwellings, without avoidance measures, would be likely to have a significant effect on the TBHSPA within the meaning of the Conservation of Habitats and Species Regulations 2010. The Council's adopted TBHSPA Avoidance Strategy Supplementary Planning Document 2017 sets out the approach to mitigating residential development by way of contributions towards access management and monitoring (AMM) and Suitable Alternative Natural Greenspace (SANG). The appellant has provided a signed, dated and executed Section 106 Agreement to

the appeal which makes provision for financial contributions of £36,650.56 for SANG and £7,442.75 for AMM.

19. I have considered the Agreement in relation to the tests set out in CIL Regulations 122 and 123 and Paragraph 204 of the Framework. The contributions relate to the upgrading and maintenance of existing SANG, rather than the provision of a new SANG. The contributions would be reasonably related in scale and kind to the development. The Council is satisfied with the content of the Agreement, to which it is party and which it considers to address its third reason for refusal. On the evidence before me, I see no reason to disagree. I am therefore satisfied that the Agreement meets the relevant tests and that it provides sufficient mitigation, by way of contributions, to satisfy the requirements of Policies NE1 and NE4 of the LP and the adopted Avoidance Strategy 2017. Accordingly, I am satisfied that the development would not affect the overall integrity of the TBHSPA.

Other Matters

20. I have had regard to the representations submitted by interested parties regarding various other matters, including highway safety and traffic calming, visibility, parking, damage tree roots, precedent, loss of daylight and sunlight, loss of wildlife, interference with a sewer, potential subsidence and the effect on preserved trees. I consider that the appeal scheme would include suitable access, off-street parking and turning facilities. The Highway Authority has raised no objection to the proposal and there is no significant evidence that it would be harmful to traffic or parking conditions and highway safety in the locality.
21. Tree protection measures are proposed in respect of the trees to be retained, including preserved trees, and could reasonably be secured by condition. There is no significant evidence before me that similar proposals would be particularly likely to be forthcoming in the surrounding area, or that significant harm would be likely to arise if they did. Furthermore, I have determined the appeal on its merits. I am satisfied that the proposed scale and layout would not result in significant loss of daylight or sunlight to nearby properties, including having regard to the orientation and separation between buildings. There is no significant evidence before me that the development would have any significant unfavourable effect on biodiversity generally and mitigation in relation to bats can be reasonably secured by condition. There is also no substantive evidence before me that the proposal would interfere with sewer infrastructure or that it would be likely to result in subsidence. Furthermore, I note there are no objections from the Council's technical officers in this regard.
22. I conclude that none of the matters discussed in this section of my decision add materially to the case for or against the appeal.

Conditions

23. I have considered the list of conditions suggested by the Council, together with conditions suggested by others during the course of the application. Where necessary, I have altered the suggested conditions for clarity or accuracy. In addition to the standard time limit, I have imposed a condition specifying the approved plans, as this provides certainty. Conditions relating to materials, levels, landscaping and boundary treatments, and the protection and retention of trees are necessary in the interests of character and appearance. Conditions

relating to a construction transport management plan, the revision of on street parking, the provision of the access, and visibility splays, the provision of car and cycle parking, and the retention of garages are necessary in the interests of highway safety.

24. Conditions relating to waste and recycling, energy efficiency and water efficiency are necessary in the interests of sustainability. Conditions restricting permitted development rights in relation to the addition of windows, dormers and roof lights, and relating to obscure glazing and window opening are justified in this case in the interests of privacy. A condition relating to construction hours is necessary in the interests of neighbours' living conditions. A condition relating to ecology mitigation measures is necessary in the interests of protected species.
25. Conditions 3, 4, 5, 6, 7, 8, 9 and 10 require details to be approved before development commences. This is necessary because these conditions may affect the design of the scheme.

Conclusion

26. For the above reasons, and having considered all matters raised, I conclude that the appeal should succeed.

Catherine Jack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16-P1317-LP; 16-P1317-101; 16-P1317-101; 16-P1317-102; 16-P1317-103; 16-P1317-104; 16-P1317-105; 16-P1317-106; 16-P1317-107 and 16043-01.
- 3) No development shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 4) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.
- 5) No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materialshas been submitted to and approved in writing by the local planning authority. Only the approved details shall be implemented during the construction of the development.
- 6) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and retained.
- 7) No development shall start on site until details of the boundary treatment between plot 7 and 7 Maori Road have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall be maintained as such in perpetuity.
- 8) No development shall take place until details for the storage of waste on the premises, including the design and position of storage facilities for bins and recycling have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and thereafter maintained for the duration of the development.
- 9) No development shall commence unless and until the on-street parking spaces have been amended in accordance with the approved plans, Drawing No. 16043-01, and thereafter shall be permanently maintained.

This will first require the alteration of the Traffic Regulation Order prior to commencement of the development.

- 10) The development hereby approved shall not be commenced unless and until the proposed vehicular access to Maori Road has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No. 16043-01, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.
- 11) No demolition, site clearance or building operations shall start on site until the protective fencing and other protection measures shown in the Arboricultural Method Statement and plan referenced BTC1132-TPP have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.
- 12) Prior to the first occupation of the development an energy assessment shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate (TER) for the development and show the on-site measure(s) to be taken and feasible renewable energy equipment to produce a minimum of 10% of the total energy requirements of the new development by means of renewable energy sources above and beyond the current Building Regulations. The final total annual energy demand calculated should include energy use for all end uses known to be present or to be provided. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.
- 13) No new development shall be occupied until space has been laid out within the site in accordance with the approved plan 16-P1317-101 for cars and cycles to be parked and for the turning areas to enable vehicles to enter and leave the site in forward gear. The parking and turning areas shall thereafter be permanently retained exclusively for their designated purpose.
- 14) The garages shall be used solely for the benefit of the occupants of the dwellings to which they relate and their visitors and for no other purposes and shall be permanently maintained as such.
- 15) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting sooner with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.
- 16) No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plans or otherwise clearly indicated in the approved details as being removed shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local planning authority during development and for a period of five

years after completion of the buildings or any other development hereby approved. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1 November to 31 March) following their loss or removal.

- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, dormer windows, or roof lights other than those shown on the approved plans, shall be inserted into the development hereby permitted.
- 18) All first floor side windows of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.
- 19) The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the local planning authority to demonstrate that this condition has been met.
- 20) The development hereby approved shall be carried out in accordance with the mitigation measures detailed in the Preliminary Ecology Appraisal CRM.1200.006.EC.R.001 (dated 14 December, 2016) and Preliminary Bat Roost Assessment CRM.1200.006.EC.R.002 (dated 15 December 2016).
- 21) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 08:00 and 18:00 Mondays to Fridays and between 08:00 and 13:30 on Saturdays and at no time on Sundays or Bank or National Holidays.