



Appeal Decision

Site visit made on 14 November 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 11th December 2017

Appeal Ref: APP/Y3615/W/17/3180436

82 Manor Way, Guildford, Surrey GU2 7RR

- 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 Alan Thornton against the decision of Guildford Borough Council.
 - The application Ref 17/P/00195, dated 3 February 2017, was refused by notice dated 11 April 2017.
 - The development proposed is described as 'detached bungalow within the rear garden of 82 Manor Way, Guildford, with access from High View Road, Guildford'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site is within the 5.0 Km zone of influence for the Thames Basin Heaths Special Protection Area for birds (the SPA) and because of that the Planning Inspectorate, as is standard practice, undertook a screening exercise to determine whether or not the development would constitute Environmental Impact Assessment (EIA) development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations). For development of a scale that constitutes EIA development it is a requirement for applicants to submit an environmental statement (an ES) with their applications and any subsequent appeals should not be determined without an ES being available. For this case the development has been screened as being non-EIA development and the Planning Inspectorate wrote to the appellant and the Council on 26 September 2017 explaining that.
3. The screening that was undertaken under the Regulations was for a specific legislative purpose and has no direct bearing on my consideration of the main issues for this appeal.

Main Issues

4. The main issues are the effect of the development on: the character and appearance of the area, including trees; and the SPA.

Reasons

Character and Appearance

5. The development would involve the construction of a two bedroom bungalow within the rear half of 82 Manor Way's (No 82) back garden. The bungalow

would front onto and be accessed via High View Road. To facilitate this development a new vehicular access would be formed and there would be a need to remove some of the trees in No 82's garden.

6. No 82 and the other immediately neighbouring properties in Manor Way are two storey houses or chalet bungalows that occupy relatively large plots. No 82 and the property directly opposite occupy particularly generous plots because of their corner positions. The sub-division of No 82's plot would result in this house having a less spacious appearance, with it having a significantly shorter rear garden than the other even numbered properties to the east. The increased intensity of development at No 82 would be accentuated because of its corner position. I therefore consider that No 82 would be left with a plot that would be uncharacteristic of its immediate surroundings.
7. Given the widths of the bungalow and its plot, there would be little space between the new dwelling and its side boundaries and I consider that this would give the development a cramped appearance in High View Road's streetscene. The bungalow would have an essentially square footprint, with a very shallow roof pitch. I appreciate that the bungalow has been designed to have a low ridge line in order to reduce its visual impact for the occupiers of Nos 80 and 82. However, the consequence of that would be a bungalow with a very squat appearance.
8. The trees that have grown up along the site's boundary with High View Road, individually possess limited visual amenity. However, I consider that collectively these trees provide some welcome streetscene relief at the entrance to High View Road, given the starkness of the golf shop's appearance. Although it is intended that the majority of the trees would be retained, I consider that there would be a likelihood that the bungalow's occupiers would wish to have the trees removed or thinned because they would affect the outlook from and receipt of light to this dwelling's front windows. In the event of more trees being removed than is currently envisaged or there being a significant thinning of the retained trees then the bungalow and the uncharacteristically tightness of its plot would be exposed in the streetscene. The relieving effect of the trees would also be diminished.
9. High View Road for the most part is characterised by two storey houses, however, numbers 84a and 84b are a pair of bungalows. While numbers 84a and 84b are uncharacteristic of High View Road, no planning history for them has been provided, although they appeared to be contemporaries of the houses in this street. Whatever, the planning history for numbers 84a and 84b those bungalows occupy more generous plots than would be the case for the new bungalow and they do not appear to have arisen from the subdivision of another dwelling's garden. I therefore consider that the presence of Numbers 84a and 84b does not provide a justification for the appeal development.
10. I therefore conclude that the development would be harmful to the character and appearance of the area, with there being potential for greater tree loss than is shown on the application plans. The development would therefore be contrary to saved Policies G5(1), G5(2) and H4 of the Guildford Borough Local Plan of 2003 (the Local Plan) and section 7 (Requiring good design) of the National Planning Policy Framework (the Framework). That is because the

development would not be respectful of its surroundings in terms of its plot size, its height and proportions and it would not add to the overall quality of the area. I also consider that there would be conflict with saved Policy G1(12) because it has not been demonstrated that the development would safeguard and enhance the on-site trees.

The Thames Basin Heaths SPA

11. The site is within the zone of influence for the SPA and the Council has adopted a disturbance avoidance strategy to mitigate the effects of new development on the integrity of the SPA. The avoidance strategy operates on the basis of financial contributions being made towards the provision of suitable alternative natural green space (SANG), as an alternative recreational destination to the SPA, and the operation of a Strategic Access Management and Monitoring (SAMM) plan. The Council has indicated that to mitigate the effects of this development on the SPA a contribution of £4,827.02 is required to fund the maintenance of SANG and the implementation of the SAMM plan. However, the appellant has not entered into a planning obligation, made pursuant to Section 106 of the Act, to secure the payment of contributions to mitigate the development's effects on the SPA.
12. Given the statutory duty to safeguard the SPA's habitat value I am content that mitigation would be required. In the absence of a planning obligation the mitigation required to safeguard the SPA would be unavailable and I can therefore only conclude that there would be unacceptable harm to the SPA. There would therefore be conflict with saved Policy NRM6 of the South East Plan of 2009 and saved Policy NE4 of the Local Plan because the development would fail to provide adequate mitigation for its effects on the SPA. I also consider that there would be conflict with saved Policy NE1 of the Local Plan. That is because while Policy NE1 refers to 'potential' SPAs, the relevant regulations required potential SPAs to be treated as if they had already been designated and following the Local Plan's adoption the SPA's designation has subsequently been confirmed.

Other Matters

13. The development would contribute to the supply of housing in the area. However, that contribution would be very modest and I consider that this benefit of the development would be outweighed by the harm that I have identified.
14. Concern has been raised that the Council has provided inconsistent advice over a number of years concerning the possible development of this site. While that might be the case, I am required to consider the appeal development on its merits and that is what I have done.

Conclusion

15. For the reasons given above the appeal is dismissed.

Grahame Gould

INSPECTOR