
Appeal Decision

Site visit made on 27 November 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 11 January 2018

Appeal Ref: APP/Y3615/W/17/3181446

Land adjoining Forrest Place, Middle Street, Shere GU5 9HF

- 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 Mark Jennings (Homes By Warwick Ltd) against the decision of Guildford Borough Council.
 - The application Ref 17/P/00458, dated 27 February 2017, was refused by notice dated 17 May 2017.
 - The development proposed is the erection of a new building containing office accommodation on the ground floor with two 1 bedroom flats on the first floor.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site is located within the Green Belt, where the National Planning Policy Framework ('Framework') considers the construction of new buildings to be inappropriate. However, it regards the limited infilling in villages as an exception to that approach. As that would apply to this proposal, I agree with the main parties that the scheme would not be inappropriate development.
3. The Planning Inspectorate Procedural Guide: Planning Appeals – England 2016 states that the appeal process should not be used to evolve a scheme, and that what is considered by the Inspector should be essentially what was considered by the Council, and on which interested people's views were sought.
4. In this case, as part of the appeal, the appellant submitted an amended drawing (Ref: PL/SO/02) ('amended plan') which is annotated with the flats' floor areas and depicts internal changes comprising a smaller first floor stairwell, and a corresponding slight increase in the area of flat 1. Those amendments are very slight and do not change the size or external appearance of the proposed building. Consequently, I am satisfied that my acceptance of the amended plan would not prejudice interested parties' interests.
5. The Council's fourth reason for refusal states that, having regard to the site's history, the scheme would result in the loss of an approved employment use. However, as part of the appeal, marketing evidence was submitted which concluded that there was little demand for offices here, and the Council has since found that there are no economic reasons why the whole of the proposed building should be in office use. It therefore considers that reason for refusal to have been addressed. Having regard to the submitted evidence, I agree, and I do not consider the matter further.

Main Issues

6. The main issues are:

- Whether occupants of the proposed flats would experience satisfactory living conditions;
- The effect of the proposed development on the living conditions of nearby residential occupiers; and
- The effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Shere Conservation Area.

Background

7. Planning permission was granted in 2001 for a terrace of 8 two storey houses, a detached coach house and a detached office building, with associated parking, access and landscaping (Ref: 01/P/01933) ('2001 permission'). In 2007 permission was granted for a revised scheme of eight dwellings and an office building, which included re-alignment of the access, variations to the parking arrangements and the provision of boundary treatment to separate the residential from the office uses (Ref: 06/P/02537) ('2007 permission'). The 8 houses in Forrest Place have now been built. Although the approved offices have not been constructed, the appellant states that the 2001 permission remains extant, and both principal parties agree that the approved office building could be implemented.

Reasons

Living conditions in the proposed flats

8. The amended plan shows that flat 1 would have a floor area of 37.4sqm and flat 2 would have a floor area of 42sqm. Each flat would contain a combined kitchen/living space with windows overlooking the parking area. To the rear each would have a bedroom (depicted with a double bed) and a bathroom. Those rooms would have rooflights only. Given the size and depiction of the bedrooms, I consider that each flat could be occupied by two persons.
9. Not all occupants of flats desire a garden, and at paragraphs 7.30 and 7.31 of his statement the appellant cites examples, including nearby at Beaufield Mews, where accommodation has been allowed with no, or only very small, gardens. However, in this case neither flat would have even the smallest private area for the occupants to sit outside, dry washing, or to perform other typical domestic outdoor tasks. When considered together with the minimal storage space, very limited floor area, and largely single aspect over a car park (with only skyward views to the rear), the flats would provide very poor living conditions for their occupants.
10. Furthermore, given the flats' very limited floorspace, I am concerned that indoor cycle racks would not be a practical solution. Alternatively, an external cycle rack is suggested, but it is not clear where that could be located, particularly given external refuse storage requirements, without the loss of car parking or manoeuvring space.
11. It has been put to me that the proposal does not meet the government's adopted space standards in the DCLG Technical Housing Standards 2015. That

sets out a minimum required gross internal floor area of 39sqm for a one bedroom 1 person dwelling, and 50sqm for a one bedroom 2 person dwelling. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current local plan policy. The Guildford Borough Local Plan 2003 ('LP') has no such policy. Consequently, whilst the scheme's deficiency against those national standards is indicative of poor living conditions, that in itself is not a matter which carries significant weight against the proposal.

12. LP Policy G5 does not specifically address living conditions within proposed development, and Policy G1(3) seeks to protect existing occupants' amenities and to ensure that proposed occupants are not affected by existing pollution. Neither policy is therefore directly relevant to this issue. Nevertheless, I conclude for the above reasons that the proposed scheme would result in very poor living conditions for future residents. As such it would conflict with the Framework's requirement to achieve good design and a good standard of amenity for future occupants.

Living conditions of nearby residential occupiers

13. The Council alleges that comings and goings from the proposed flats, office, and parking area would cause unacceptable noise and disturbance to nearby residents. There are residential properties adjacent to the site, particularly at 8 Forrest Place ('No. 8'), Bank Terrace and Middle Street.
14. However, this is a site in the centre of a village, close to a supermarket and other commercial uses. By reference to the appellant's TRICS data, vehicular movements associated with this relatively small scale development would be limited. In the context of this fairly busy, mixed use environment, those movements would not cause significant harm to local residents. The impact from shining headlamps on No. 8 could be ameliorated by appropriate boundary treatment.
15. The front of No. 8 faces part of the site across a narrow footpath. Windows in that elevation include one serving a ground floor living room and one to a bedroom above. The blank side elevation of the proposed building would extend across a significant part of No. 8's front face. Given the height of the proposed building, and its proximity to No.8's nearest habitable room windows, the scheme would have an overbearing impact on those occupants and lead to some loss of light to the detriment of their living conditions. As the principal elevations of other properties are much further from the proposed building, their occupants would not experience a harmful loss of privacy.
16. As the scheme would have an adverse impact on the amenities at No. 8, it would conflict with LP Policy G1(3), and with the Framework's requirement for planning to secure a good standard of amenity for existing and future occupants. However, the Council states that this scheme would not cause any greater harm to the neighbours' amenities than that caused by the extant permission. I am also not persuaded that the scheme's impact would be materially worse than that arising through implementation of the approved office building. That significantly limits the weight I attribute to this matter. As the proposed mix of uses would not cause significant harm, there would not be a conflict with LP Policy G1(13).

Character and appearance

17. The site falls within the Shere Conservation Area ('CA') which covers much of this attractive village. Within conservation areas there is a statutory duty to pay special attention to the desirability of preserving or enhancing their character or appearance. Part of the CA's charm derives from its broad mix of properties of varying style, proportions and age, and their diverse facing materials. The buildings are not laid out to any set pattern, and indeed their informal composition adds to the area's character and interest.
18. The proposed building would be sited on an open area of land to the rear of the properties on Middle Street. Although it would be located very close to three of the site's boundaries, given the mixed grain of nearby development, that would not make it appear discordant. The building's two storey, hipped and gabled form, and its clay tiles and brickwork, would broadly reflect some nearby buildings. Its form, siting and appearance would not harm the CA.
19. The area to the front of the building would provide parking. That area is currently covered with gravel. It is partially enclosed by an open metal fence and planting, which separates the site from the houses at Forrest Place, and which also have a hardsurfaced parking area. Subject to appropriate boundary treatment and surfacing materials, the proposed parking area would not appear out of place. Although the proposed area for parking and manoeuvring would be limited, subject to appropriate detailing, I am satisfied that refuse/recycling facilities could be provided within it without harming the area's character.
20. I have found that this is a busy, village centre location. In that context, the limited activity associated with this small mixed use scheme would not harm the area's character. Whilst the scheme would not enhance the CA, its character and appearance would be preserved. Consequently, the proposal would not conflict with the design, layout and visual impact requirements of LP Policy G5, or with the stance on conservation areas in LP Policy HE7, which reflects the statutory test. It would also conserve the landscape and scenic beauty of the Surrey Hills Area of Outstanding Natural Beauty.

Other matters

21. The scheme would provide two small flats and office space in a village location close to services and amenities. The Council cannot demonstrate a 5 year housing land supply as required by the Framework. In accordance with Framework paragraph 49, policies for the supply of housing cannot therefore be considered up to date. However, as only two flats would be provided, the contribution to housing supply would be very modest, and constitutes only a limited benefit in the scheme's favour.
22. The scheme would also provide office space. I understand it would be occupied by the appellant's existing business which is required to quit its present site. However, although the appellant maintains that the development costs of the scheme could only be met by inclusion of the residential element, I have limited evidence of that, and I am not satisfied that this scheme is the only way in which office space could be delivered on the site.
23. Planning permission was previously granted on the site for a similarly sized building, although according to the Council this one would be very slightly longer. The appellant refers to the 2001 permission, which he states remains

extant and represents a fallback. However, various interested parties, including Forrest Place (Shere) Management Company, state that this plot is smaller, and that the proposed building would be closer to No. 8, than was previously depicted. That may be by reference to the 2007 permission which, from my review, does appear to show the office building in a slightly different position to the 2001 permission.

24. However, even if there is a fallback through the implementation of an extant permission, that is not sufficient justification for the harm that this proposal would cause, as, unlike the 2001 and 2007 permissions, it includes flats which I have found would provide inadequate living conditions for their occupants.

Conclusions

25. In accordance with Framework paragraph 14, where relevant development plan policies are out of date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
26. I have found that this scheme would preserve the character and appearance of the Shere Conservation Area. However, it would provide very poor living conditions for its residential occupants. Additionally, it would cause some harm to the living conditions at 8 Forrest Place, although as, from the evidence before me, that harm would not be materially worse compared to that arising from implementation of the approved office building, that is a matter to which I give very limited weight. However, irrespective of that, the harm arising as a result of the very poor living conditions that would be experienced by the flats' future occupants would significantly and demonstrably outweigh the limited benefits due to the scheme's small contribution to housing supply in this accessible village centre location, and the office space it would provide for an existing business.
27. The scheme would therefore conflict with the Framework and with the development plan when considered as a whole. Having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR