

Appeal Decision

Site visit made on 12 August 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/Y3615/W/19/3230102

37 Quarry Road, Hurtmore, Godalming GU7 2RW

- 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 D Salkeld against the decision of Guildford Borough Council.
 - The application Ref 19/P/00389, dated 1 March 2019, was refused by notice dated 30 April 2019.
 - The development proposed is re-use and conversion of an existing annexe to create a single unit of residential accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for re-use and conversion of an existing annexe to create a single unit of residential accommodation at 37 Quarry Road, Hurtmore, Godalming GU7 2RW in accordance with the terms of the application, Ref 19/P/00389, dated 1 March 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mrs D Salkeld against Guildford Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council's reasons for refusal refer to a number of policies from the saved Guildford Borough Local Plan (2003) and the Guildford Borough Submission Local Plan: strategy and sites – main modifications (2018). The Submission Local Plan has been replaced by the Guildford Borough Local Plan: strategy and sites 2015 – 2034 (the Local Plan), which was adopted on 25 April 2019, and now forms part of the Development Plan. The Local Plan supersedes many of the policies in the Guildford Borough Local Plan (2003). The appellant has had the opportunity to comment on the implications of the change in status of the Local Plan.

Main Issues

4. The main issues are:
 - a) Whether the proposal would preserve the openness of the Green Belt or conflict with the purpose of including land within it, and therefore whether the development would, or would not, be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;

- b) The effect of the development on the character and appearance of the area;
- c) Whether the site represents a sustainable location for a separate dwelling;
- d) The effect of the development on the living conditions of the occupants of the existing dwelling and 39 Quarry Road and the future occupants of the proposed unit of residential accommodation; and
- e) The effect of the development on highway safety.

Reasons

Green Belt

5. The appeal site lies within the Metropolitan Green Belt and comprises a single storey annex building, which provides self-contained residential accommodation. The annex resulted from the conversion of a garage and it is attached to the 2-storey house at 37 Quarry Road by a covered passageway, but there is no internal link between the two. The building is situated close to a right-angle bend in Quarry Road, where there is residential development on both sides of the road.
6. The Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that, other than in specified exceptions, new buildings are inappropriate development. The Council argues that, although the building is already in place, its separation from the main house would mean that it would be considered as a new building in the Green Belt, and it would therefore be inappropriate development. However, I can find nothing in the Framework or the Local Plan that supports that approach.
7. Paragraph 146 of the Framework identifies that the re-use of buildings of permanent and substantial construction is not inappropriate, provided the development preserves the openness of the Green Belt, and does not conflict with the purpose of including land within it. Policy P2 of the Local Plan is consistent with the Framework's approach. The building is of solid brick construction with a slate roof and is in good condition. Based on my inspection of the building, I conclude that it is of permanent and substantial construction as required by paragraph 146(d) of the Framework.
8. The Council suggests that the openness of the Green Belt would be harmed by the intensification of development on the site. However, the building already exists, and no alterations are proposed to bring about its new use. The land to the rear of the building is already domestic garden, so there would be no change to its character. The only external work would be the provision of boundary fencing to divide the 2 rear gardens, which would largely be achieved through the realignment of the existing fence that lies to the rear of the building. These works would not be readily visible from outside the site and would have a negligible impact on the openness of the Green Belt.
9. The Council's concerns regarding the potential for the separate unit to be further developed in the future can be addressed through the imposition of a condition removing permitted development rights for extensions and

outbuildings. Such a condition would ensure that, as well as there being no immediate impact, there would also be no longer term harm to the openness of the Green Belt as a result of the development.

10. Paragraph 134 of the Framework identifies that Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The building already exists within a residential curtilage, so the development would not contribute to the sprawl or merger of urban areas, encroach into the countryside, or affect the setting or character of any historic towns. The re-use of the building as a single dwelling is unlikely to discourage the recycling of derelict or other urban land. The proposals will not therefore conflict with the purposes of including the land in the Green Belt.

11. Drawing all these issues together, the development involves the conversion of a building that is of permanent and substantial construction. The development would not harm the openness of the Green Belt and would not conflict with the purposes of including the land within it. I therefore conclude that the development would not be inappropriate development as described by the Framework or by Policy P2 of the Local Plan. As a result, very special circumstances do not need to exist to justify the development.
12. For the reasons given above, I conclude that the proposal would comply with Policy P2 of the Local Plan, which seeks to protect the Green Belt from inappropriate development. The proposal would also accord with the aims of the Framework to ensure that development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Character and appearance

13. The appeal site lies in a residential area comprising largely of semi-detached houses and detached bungalows. The buildings are generally of red-brick construction with tiled or slate roofs. There are groups of dwellings within the area that share common architectural features, but overall there is little uniformity, or overarching distinctive character. The immediate vicinity of the appeal site is particularly varied, as there is a right-angled bend in the road with a widened area of carriageway that allows informal car-parking. Rows of two-storey semi-detached houses front both arms of the road, but in between these, on the outside of the bend, there are 2 detached bungalows that are set much further back from the road. The appeal building sits at the end of one of the rows of semi-detached houses, adjacent to the bungalows.
14. The Council has highlighted that there are generally significant gaps between the semi-detached houses, and that the relationship between the appeal building and the original host dwelling is uncharacteristic of the area. However, the building is already in residential use as guest accommodation. The proposal does not involve any physical alterations to the building. The parking area already exists and there are no proposals to demarcate separate front gardens.

The use of the building will therefore have no noticeable impact on the appearance of the streetscene.

15. The proposals would involve the division of the rear garden. I have already concluded that the proposed fencing would not be readily visible from public viewpoints. It would therefore have little impact on the appearance of the area. Nevertheless, the Council has concerns that the resultant plot would be cramped and out of character with the surrounding development. The semi-detached houses in the area tend to have long rear gardens that are a little wider than the house to allow for rear access. I saw that the original plot for the host dwelling was significantly wider than those of its semi-detached partner, or the other 2 pairs of semi-detached houses to the north. The subdivision of the plot, as proposed, would result in gardens that are a little narrower than the others, but not to a significant degree. In any event, the rear gardens would not be readily apparent in the streetscene, so the subdivision would have little impact on the character of the area.
16. I therefore conclude that the proposed use of the building as a separate dwelling would result in the character and appearance of the area remaining largely unaltered. The proposals would therefore comply with Policy D1 of the Local Plan which, amongst other things, seeks to ensure that development reflects the distinctive local character of the area. I also see no conflict, in this regard, with the aim of achieving well-designed places as set out in Section 12 of the Framework.

Sustainability of location

17. The appeal site lies within a residential area served by a long cul de sac off the main road through the village of Hurtmore. The village contains few public facilities; I saw a pub and a golf club in close proximity. However, there is a bus stop within about 230 metres of the site, and there is an hourly bus service from here to Guildford and Farnham, including a stop at the nearby town of Godalming, where all the essential facilities to support an occupant of the proposed dwelling could be found.
18. Policy PP2 of the Local Plan identifies that limited infilling may be appropriate in Hurtmore, where it can be demonstrated that the site should be considered to be within the village. The site lies within a well-defined group of dwellings, which forms the most densely developed part of Hurtmore. Consequently, the appeal site should be considered part of the village, where Local Plan policy does not preclude infill development.
19. I therefore conclude that the site falls within the village of Hurtmore close to good public transport links. Consequently, it represents a sustainable location for a dwelling. The proposal would therefore accord with Policy D1 of the Local Plan, which, amongst other things, seeks to ensure that new development meets the needs of all users, including transport infrastructure. The close availability of a bus service for the occupants would also accord with the aims of promoting sustainable transport and achieving well-designed places as set out in Chapters 9 and 12 of the Framework.

Living conditions

20. The subdivision of the curtilage would reduce the amount of rear garden for the occupants of the existing dwelling. However, the house currently has a larger

garden than is characteristic of the area. Even when reduced, as proposed, the submitted plans show that it would measure approximately 23 metres X 6.5 metres. This would provide sufficient space for the outdoor amenity needs of a family dwelling.

21. No alterations are proposed to the building, so its impact on the living conditions of the occupants of the existing dwelling in terms of light and outlook would be unchanged. I saw that the occupation of the building as a separate dwelling would not result in any loss of privacy, as the boundary fence would prevent mutual overlooking. The Council is concerned that, as the building would no longer be controlled by the occupants of the existing dwelling, there is the possibility that alterations could be carried out by future owners. However, these alterations would have to conform with the limitations of permitted development, so would be unlikely to have a significant impact on light, outlook or privacy. In any event, I have imposed a condition removing permitted development rights to preserve the openness of the Green Belt. I therefore find that the proposals would not have a harmful impact on the living conditions of the occupants of the existing dwelling.
22. The impact of the building on the living conditions of the occupants of 39 Quarry Road would be unchanged. However, the Council is concerned that its use as a separate dwelling could intensify any harmful impacts from overlooking or noise. I saw that there is a window in the rear elevation of No 39 that is on a similar plane to the rear elevation of the appeal building. There is a small raised deck at the rear of the appeal building, but I saw that little overlooking of the window or garden of No 39 was possible from there, due to the intervening vegetation. Even if this vegetation were to be removed, any overlooking of the window would be at such an acute angle that there would be no views into the room it serves. Therefore, even if the deck was used more often as a result of the proposals, there would not be a harmful impact on the privacy of the occupants of No 39.
23. Although the accommodation may be used more regularly as a result of the proposal, it is limited in size, so would not accommodate a larger number of people than it does under its current use. Therefore, it is unlikely that the resultant level of noise would be significantly different to that generated by using the building as guest accommodation, or the use of the surrounding garden by the occupants of the existing dwelling. I therefore find that the proposals would not have a harmful impact on the living conditions of the occupants of 39 Quarry Road by reason of increased noise.
24. The building has a floorspace of approximately 44 square metres. It therefore comfortably exceeds the minimum gross internal floor area set by the Technical housing standards – nationally described space standard¹ (the Housing Standards) for a one-bedroomed one-person dwelling. Occupants of the proposed dwelling would also have a private outdoor garden of approximately 70 square metres. Future occupants would therefore have suitably sized living accommodation.
25. The kitchen window in the side elevation would look out towards the side boundary fence. However, I saw that, when standing in the kitchen, views were available over the fence and the single storey extensions of the existing house, to the sky beyond. Plenty of daylight reached the kitchen through this window

¹ <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

and the glazed door. Occupants would have an open outlook through large lounge and bedroom windows to the front and rear of the building. The occupants of the dwelling would therefore enjoy a suitable outlook from all habitable rooms.

26. The off-street car-parking area would be located to the front of the proposed dwelling and would be shared with the existing house. Therefore, cars would be parked close to the windows serving the bedroom. The parking area would be at a similar level to the floor of the bedroom, so engine noise and exhaust fumes would be emitted below the level of the window. The movement of cars on and off the drive would be infrequent and the curtains of the bedroom would often be drawn when the room was being used by occupants. At other times, occupants of the room would be able to look out of the window over any parked cars. It is therefore unlikely that there would be any significant harm to the living conditions of future occupants through noise and disturbance, and there would be no significant loss of light or outlook as a result of parked cars.
27. I therefore conclude that the proposals would not harm the living conditions of the occupants of the existing dwelling and 39 Quarry Road, and would provide acceptable living conditions for the occupants of the proposed dwelling. The development would therefore accord with Policies D1 of the Local Plan and G1(3) of the saved Guildford Borough Local Plan (2003). These policies seek, amongst other things, to ensure that development conforms to the nationally described space standards, meets the needs of all users, and protects amenities enjoyed by occupants of buildings.

Highway safety

28. Two sources of guidance on the appropriate level of car-parking have been provided by the Council. The Guildford Development Framework Vehicle Parking Standards Supplementary Planning Document (2006) provides advice on parking standards for new development. For a family dwelling and a one-bedroomed dwelling, the standard would be 3 parking spaces. However, Appendix 1 makes it clear that the standards define the normal maximum requirements. Below a 15 dwelling threshold the standard would be advisory, although for such developments, applicants would be expected to demonstrate that there would be no adverse impact on the surrounding area.
29. Surrey County Council's Vehicular and Cycle Parking Guidance (2018) also sets maximum standards. Again, for the existing and proposed dwelling, this would be 3 spaces. The document makes it clear that the guidance is intended to be flexible and used to suit the unique circumstances of any development proposal. It also makes it clear that when responding to consultations on residential development, the Highway Authority will only raise objections regarding parking if there is a shortfall that would lead to danger on the adjoining highway.
30. Policy ID3 of the Local Plan does not refer to either of the previous guidance documents. It says that off-street vehicle parking for new developments should be provided such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users. The supporting text says that the Council will bring forward a Parking Supplementary Planning Document. As the Local Plan is the most up-to-date document, and the statutory starting point for decision-making, it carries more weight than the earlier guidance.

31. The existing hardstanding in front of the building is large enough to accommodate 2 cars, and it is proposed that this area should be shared by the existing and proposed dwellings. This would be one space below the maximum standard set out in the guidance documents. Taking account of Policy ID3 of the Local Plan, this would not be a reason to withhold permission, unless the resultant parking on the public highway would have an adverse impact on road safety or the movement of other road users.
32. Quarry Road is a cul de sac, so does not have any function in the movement of traffic, other than to provide access to the houses that it serves. It does not therefore carry high levels of traffic. The road has pavements on both sides and the carriageway is wide enough to allow on-street car-parking on one side, whilst still allowing the safe passage of vehicles. The few vehicles that I saw at the time of my visit were slow-moving and I found that the road provided a safe environment for all users.
33. I saw that many of the houses in the road do not have off-street car-parking facilities, so the availability of on-street parking is important. Whilst I am aware that conditions could be different in the evenings and weekends, at the time of my visit there was plenty of on-street parking availability. The increased competition for on-street parking as a result of the development would not be significant. The building already exists as guest accommodation, so will already generate additional parking requirements from time to time. Its change of use to a separate dwelling would result in more permanent occupancy, but the limited size of the dwelling, and the proximity to public transport opportunities, means that the occupants may not rely on a private vehicle.
34. The Highway Authority did not raise an objection to the development, and specifically commented that, even if it resulted in some overspill on-street car-parking, there would be no resultant impact on highway safety. In view of the low levels of traffic, the low traffic speeds, and the inherently safe highway environment, I have arrived at the same conclusion. Furthermore, any minor increase in on-street parking would not affect the movement of other road users.
35. I therefore conclude that the car-parking provision would not have a harmful effect on highway safety and traffic movement. The development would therefore comply with Policy ID3 of the Local Plan. The proposals also comply with the aims of Chapter 9 of the Framework to promote sustainable transport and, specifically at paragraph 109, that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the impacts on the road network would be severe.

Conditions

36. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance (the PPG). Where I have agreed that the conditions are necessary, I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.

37. The Council has requested conditions requiring details of built-in storage facilities to be submitted for approval, and also limiting future occupancy of the dwelling to one person, to ensure that the minimum requirements set out by the Housing Standards are met. The accommodation exceeds the space standard for a 1-bedroomed 1-person dwelling by 7 square metres, so there is ample space for a future occupant to provide internal storage. A condition requiring prior approval of such facilities is not therefore necessary. The proposed condition limiting occupancy of the dwelling to one person at any time would prevent the occupant from having guests to stay and would be difficult to monitor. It would therefore fail the tests of reasonableness and enforceability.
38. Paragraph 175(d) of the Framework encourages the incorporation of measures to improve biodiversity in developments. This is reflected in Policy ID4 of the Local Plan. In order to meet the aims of these policies, I have attached a condition requiring the provision of some small-scale biodiversity enhancements as part of the development.
39. Local Plan Policy D2 sets out that proposals for new development, including the conversion of existing buildings, should include information setting out how sustainable design and construction practice will be incorporated. The requirements include high standards of water and energy efficiency and the provision of electric car charging points. The policy accords with the Framework's aims of meeting the challenge of climate change contained in Chapter 14. I therefore agree that conditions are necessary to secure these measures.
40. As a newly created, separate dwelling, the appeal building would acquire permitted development rights for extensions and outbuildings. Whilst the re-use of the existing building would not affect the openness of the Green Belt, future extensions and outbuildings could have a harmful impact. I therefore agree that a condition removing permitted development rights for such buildings is reasonable and necessary.

Conclusion

41. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale Site Location Plan; 1:500 scale Block/Site Plan; 510/GA106; 510/GA07; 1:50 scale Floor Plan of Studio as Existing; 1:50 scale Floor Plan of Studio as Proposed.

- 3) Prior to the first occupation of the dwelling hereby permitted, details of small-scale measures to improve biodiversity (such as bird-boxes or bat-boxes and insect habitats), shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be provided in accordance with the approved details prior to occupation of the dwelling and shall thereafter be permanently retained.
- 4) The dwelling hereby permitted shall not be occupied until the optional requirement for water efficiency of 110 litres per occupant per day, as set out in Regulation 36(2)(b) of the Building Regulations 2010 (as amended) and part G2 of Approved Document 2015, has been complied with.
- 5) Prior to the first occupation of the dwelling hereby permitted, an energy statement shall be submitted to and approved in writing by the local planning authority. This shall include details of how energy efficiency will be addressed, including benchmark data and identifying the Target CO₂ Emissions Rate (TER) for the development, as per Building Regulation requirements, and how a minimum of 20 per cent reduction in carbon emissions against the TER will be achieved. The approved details shall be implemented prior to the first occupation of the dwelling and shall be permanently retained as operational thereafter.
- 6) Prior to the first occupation of the dwelling hereby permitted, an electric car charging point shall be installed in accordance with a scheme that has first been submitted to and approved in writing by the local planning authority. The charging point shall therefore be permanently retained.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings, structures or extensions shall be erected within the curtilage of the dwelling hereby permitted other than those expressly authorised by this permission.