



Appeal Decision

Site visit made on 15 August 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 16th September 2019

Appeal Ref: APP/Y3615/W/19/3230521 215 Worplesdon Road, Guildford GU2 9XJ

- 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 Steve Sands against the decision of Guildford Borough Council.
 - The application Ref 19/P/00360, dated 27 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is replacement of the existing buildings at No. 215a, 215b, 215c and shed with 2 new semi-detached, 2x bedroom dwellings, No. 215a and 215b. Demolish the existing side porch and fence of No. 215. Reconfigure of the existing private access road to suit the proposed scheme of No. 215a and 215b. This includes re-arrangement of the parking space and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. While I note that the description of development is different on the application form compared with the decision notice and appeal form, I have used the description from the application form in the interests of certainty.
3. I note that Guildford borough Local Plan: strategy and sites 2015 – 2034 Adopted April 2019 (LP) has been adopted since the Council's decision notice was issued. I have therefore made my determination having regard to the LP rather than the former development plan policies cited in the Council's reasons for refusal. Both main parties have had the opportunity to comment on the implications for the appeal and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

4. While I note there are five reasons for refusal, from the evidence before me, the main issues are:
 - the effect of the proposed development on the character and appearance of the area including the mature trees adjacent to the site;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise;
 - whether the proposed development would provide a suitable living environment for future occupiers with particular regard to outlook and light; and

- the effect of the proposed development on Thames Basin Heaths Special Protection Area (THBSPA).

Reasons

Character and appearance

5. The area surrounding the appeal site is characterised by 2 and 3 storey semi-detached and terraced dwellings. A number of the houses have rear extensions and outbuildings in the rear gardens. The dwellings in the area are generally accessed directly from the street and are characterised by long rear gardens such that the area has a spacious feel. While the site has buildings sited to the rear of No 215 Worplesdon Road (No 215), these are single storey and sited along the boundary of the site such that the spacious character of the area is retained.
6. The proposal consists of the demolition of the existing buildings at the rear of No 215 and No 217 Worplesdon Road (Nos 215 and 217 and the erection of a pair of semi-detached dwellings that would be set into the ground. The proposed dwellings would have gardens that would be significantly smaller than those of other properties in the area.
7. The proposed dwellings would be bounded by gardens on all sides as well as the existing access from the road. This would be a discordant departure from the main pattern of frontage development. The proposal would consolidate the various forms of the existing outbuildings that are sited along the boundary of the site into a singular mass near the centre of the area to the rear of Nos 215 and 217. I acknowledge that the proposed development would have a smaller footprint than the combination of the existing buildings and that the garden of the existing dwelling would be increased by the proposal. However, the proposed gardens, particularly the garden for the proposed No 215a Worplesdon Road, would be significantly smaller than others in the area. Therefore, given the location of the proposed building at the centre of the site, the small garden sizes, and that the dwellings would not have frontage directly to the street, it would have an incongruous effect on the prevailing pattern of development.
8. I recognise that the dwelling itself has been designed to be a subservient addition to the area by using particular materials, including timber cladding and brick to soften the impact when viewed from adjacent buildings. I also note that the overall height of the proposed building would not be significantly more than that of the existing buildings to the rear of No 215. The form, design and inverted roof form of the proposed dwellings would be uncharacteristic since the majority of dwellings in the area are traditional in design with pitched roofs. However, since the overall height of the building would not be significantly taller than the existing outbuildings, and the footprint of the building would not be greater than the combined footprint of the existing buildings, the design of the building itself would not result in significant harm to the character and appearance of the area. Similarly, given the existing extent of hardstanding on the site, this particular aspect of the proposal would not be significantly harmful. However, this does not override the harm I have found to the prevailing pattern of development.
9. While I note the other properties set out by the appellant that have different activities and developments to the rear of existing properties, these are generally some distance from the appeal site such that the character and appearance of

the area near the appeal site remains spacious. I note the parking area at No 211 Worplesdon Road which lies adjacent to the appeal site. However, from the evidence before me and my observations during the site visit, this area does not contain any residential development and is in keeping with the prevailing pattern of development in the area.

10. I acknowledge the prior approval of one of the existing outbuildings from office to residential use. However, this building is modest in scale and given the size of the existing site reflects the spacious character and appearance of the area. Therefore, as a fall-back position this approval would be less harmful to the character and appearance of the area than the proposed development would be.
11. With regard to the mature trees near the site, I note that these trees are not subject to Tree Preservation Orders. However, given the height and evergreen nature of the trees, they are of significant amenity value and the loss of these trees would adversely affect the green character and appearance of the site and area.
12. I note that no evidence such as an arboricultural survey has been submitted with the proposal to demonstrate that the scheme would not adversely affect the existing trees adjacent to the boundary. Consequently, while there the proposal does not include the removal or pruning of the trees, since there is no certainty that any harm to the trees could be mitigated, a condition requiring the trees to be protected during the construction phase would not be effective.
13. Consequently, the proposal would harm the character and appearance of the area including the mature trees adjacent to the site. It would conflict with LP Policy D1 which requires among other things that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinct patterns of development. It would also conflict with the National Planning Policy Framework (Framework) in this respect.

Living conditions

14. The existing access to the site runs between Nos 215 and 217. While the access currently serves the existing outbuildings, the proposed development would be likely to result in an increase of the use of the access. While the driveway would be in close proximity to the sides of Nos 215 and 217, given that the proposal is for two dwellings only, the frequency of vehicles passing these adjacent dwellings as result of the proposal would not be so significant so as to be harmful given the predominantly residential surroundings. Furthermore, the parking area of the proposed development would be a significant distance away from the rear of No 217 such that noise and disturbance from the coming and going of people and vehicles would be unlikely to have a significant effect on the occupiers of this dwelling in this regard.
15. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard to noise. Therefore, the proposal would not conflict with the Framework in this regard.

Living Environment

16. The second bedroom of both properties would have glazed doors that open out to a patio area. Since the bedrooms are only set into the ground by around a meter and would be in close proximity to the boundary fence with tall conifers and hedgerow beyond, the outlook would be somewhat restricted. Similarly, given

the proximity of the second bedrooms and patio area to the tall fence and trees, the levels of daylight to these areas may be limited by a certain degree. I also note the Council's comments regarding perceived safety apprehension. However, since the bedrooms and patios are unlikely to be occupied for substantial parts of the day, the adverse effects in terms of outlook and light would not be to an extent that would harmfully affect the living environment of future occupiers in this respect.

17. Consequently, the proposed development would provide a suitable living environment for future occupiers with particular regard to outlook and light. It would therefore not conflict with LP Policy D1 which requires compliance with the Design Guide Supplementary Planning Document (SPD) that requires the amenity of new residents to be retained, or with the Framework in this regard.

THBSPA

18. I note evidence regarding the THBSPA. From the evidence before me it appears likely that the proposed development would give rise to at least some harm to the THBSPA were that harm not to be mitigated. Had I found the appeal development to be acceptable in terms of the character and appearance of the area, I would have found it necessary to investigate this matter in greater detail as part of my appropriate assessment. However, in the circumstances of this case this has not proved to be a determinative matter given the harm identified above that would arise from the development.
19. I note the appellant's suggestion that this issue could be dealt with by condition. However, while it is possible to implement on-site mitigation measures via a condition, in this case mitigation measures would be likely to be required off-site in order to address the likely wider effects of the development on the designated sites. Due to its limited scale and general lack of complexity the proposed development in this case does not meet the exceptional circumstances which would justify the imposition of a condition seeking a planning obligation as set out in the Government's Planning Practice Guidance. Taking these matters together leads me to the view that conditions would not provide an effective mechanism to provide mitigation in this case.
20. While not determinative, as it has not been demonstrated that the proposal would not harm the TBHSPA, it would not accord with LP Policy P5 and Policy NRM6 of The South East Plan – Regional Spatial Strategy for the South East which seek to protect the TBHSPA.

Other Matters

21. I note local concerns including regarding the turning circle on the site, the proposed parking spaces and highway safety. However, the Highway Authority has not objected on this basis and from the evidence before me I see no reason to disagree.

Conclusion

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

R Sabu INSPECTOR