



Appeal Decision

Site visit made on 20 August 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

Appeal Ref: APP/Y3615/W/19/3229594

Land at 138, 140, 142 and 144 Stoughton Road, Guildford GU2 9PG

- 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 Ivory Homes Investments Limited against the decision of Guildford Borough Council.
 - The application Ref 18/P/02168, dated 9 November 2018, was refused by notice dated 7 January 2019.
 - The development proposed is 'demolition of dwellinghouse and buildings and erection of 5 dwellinghouses, including new access, parking and landscaping.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, the Council has adopted the Guildford Borough Local Plan: Strategy and Sites (2015-2034) on 25 April 2019 (the Local Plan). This has replaced the Guildford Borough Local Plan 2003 (saved by CLG Direction on 24 September 2007) (the GBLP), except for certain policies which remain saved. Accordingly, the Council has confirmed that Policies G5(1), G5(6), NE1 and NE3 of the GBLP are no longer relevant and I have not had regard to them in reaching my decision. The appellant has had the opportunity to comment on the adoption of the Local Plan during the appeal.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the area; b) the living conditions of occupants of 144 Stoughton Road with respect to privacy, and c) the Thames Basin Heaths Special Protection Area.

Reasons

Character and appearance

4. The appeal site comprises the whole of the site of 142 Stoughton Road and the rear parts of the rear gardens of Nos 138, 140 and 144, forming a T-shaped site. This part of Stoughton Road comprises mainly detached dwellings in a staggered, linear arrangement on narrow, deep plots. Linear development also exists on the opposite side of Stoughton Road. To the rear are dwellings on Heron Close, which have much shorter rear gardens that adjoin those of the appeal site. To the east of the appeal site is a railway line.

5. The proposal would see the dwelling at No 142 demolished and a new access created between Nos 140 and 144 leading to a backland development of five dwellings set out in a line as a pair and a group of three with forecourt parking and turning areas and gardens to the rear.
6. There is variety to the appearance of the existing dwellings on Stoughton Road, with no one style dominating. Nonetheless, the linear pattern of development and general consistency of scale creates a street scene with order and rhythm, which is mirrored on the opposite side of the street and contributes positively to the character of the area. I saw the property at No 142 was in need of some maintenance and upkeep, but otherwise it appeared in reasonable condition. Its demolition would create a large gap in the built form, leaving the three dwellings at Nos 138a, 138 and 140 isolated between the proposed access and the railway land, an effect which would be exacerbated by the proposed lining of the access road with trees which would visually screen the three dwellings in longer views along the street. In turn, the access would be a prominent feature which would draw the eye due to the trees and its splayed entrance which would break the consistent pattern of dwellings in the street scene.
7. The dwellings themselves would be a significant development to the rear of at least ten properties on Stoughton Road and Heron Close. Whilst the dwellings would be modest in scale compared to those fronting Stoughton Road, their arrangement as a pair and group of three in a single row facing neighbouring properties both front and rear would result in significant massing and visual impact. The development would sever the rear gardens of several properties, shortening them by around half. Though I saw on site that the rearmost parts of the gardens were in some cases overgrown or not as intensively used as those parts closer to the dwellings, they nevertheless provide areas of open land and greenery which contribute a sense of spaciousness and tranquillity amid the built form within the area enclosed by the Heron Close, Stoughton Road and the railway line.
8. The proposed dwellings would erode these qualities over a large part of this area, instead introducing significant built form, hardstanding for parking areas and access. The Council does not oppose the design of the dwellings themselves, nor do I from what I have seen of the surroundings. However, the dwellings, through their layout, boundary treatments, access drive and comparatively small rear gardens, together with the foreshortening of the existing gardens, would fail to respect the established street pattern, plot sizes and building lines of the immediate surroundings.
9. The appellant provides a review of a number of developments in the local area which it is argued demonstrate the extent to which backland development forms part of the character of the area. I have had regard to each of these examples. However, I do not have full information about when these developments took place, or the prevailing planning policies or site circumstances which existed at the time they were granted. Moreover, I note differences in location, layout, scale and context between these examples and the appeal before me. Therefore, whilst I accept that a number of these would fall into the definition of backland development, I do not have sufficient evidence to draw direct comparisons with the scheme before me, and I have duly considered the appeal on its own merits.

10. For the foregoing reasons, therefore, the proposal would harm the character and appearance of the area, and so would conflict with Policies H1 and D1 of the Local Plan and saved Policies G1(3), G5 and H4 of the GBLP, which together require development to achieve a high quality design which reflects the distinct local character of the area and responds and reinforces locally distinct patterns of development. There would also be conflict with the related design aims of the National Planning Policy Framework (the Framework).

Effect on Privacy

11. The Council's concern relates to 144 Stoughton Road, in particular that the rearmost part of that property, a single storey rear extension, would be only 14.6 metres from the front elevation of the nearest dwelling in the proposed development, and that views from the first floor windows of the proposed dwellings would harm the privacy of occupants of No 144.
12. I visited No 144 at my site visit and saw that the extension in question is a garage used for storage and not a habitable space, and also partly screened by an existing tree. Whilst it is possible this space could be converted to habitable accommodation, I have no evidence to suggest this is likely to occur. Therefore, the proposal would not create intrusive views which would lead to a loss of privacy in this respect. Otherwise, the habitable rooms of the property are well set back from the proposed dwellings, as are the other surrounding properties, including 140 Stoughton Road at some 37 metres away, and 20-28 Heron Close in excess of 20 metres. From my observations on site, I do not reach different conclusions to the Council in respect of these other properties.
13. Therefore, on this main issue, I find that the proposal would not result in a loss of privacy to occupants of No 144, and so would not harm their living conditions. Consequently, there would be no conflict with Policy D1 of the Local Plan and saved Policies G1(3) and H4 of the GBLP. Together, these policies require that development protects the amenities enjoyed by the occupants of buildings, including in terms of privacy. The proposal would also comply with the Framework, which states that development should create places with a high standard of amenity for existing and future users.

Effect on Thames Basin Heaths SPA

14. The appeal site lies within 5km of the Thames Basin Heaths Special Protection Area (SPA). The Council's Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 Supplementary Planning Document July 2017 (SPD) sets out that the SPA provides a habitat for the rare ground nesting birds. An increase in residential dwellings within the zone of influence is likely to have a significant effect on the SPA, either alone or in combination with other developments, as the proximity of the site to the SPA would increase the likelihood of its use for recreational purposes by future occupants, resulting in potential disturbance to the habitats of the protected bird species.
15. Consequently, the SPD advises that such development must make provision to avoid and mitigate the potential effect on the SPA. Measures must be based on a combination of Strategic Access Management and Monitoring (SAMM) and the provision and/or improvement and/or maintenance of Suitable Alternative Natural Greenspace (SANG).¹

¹ SPD, Paragraph 2.7

16. No planning obligation has been submitted. The appellant has indicated a willingness to accept a condition to secure financial contributions towards SAMM and SANG. I note the appellant's reference to an appeal decision² in Woking Borough which considered this approach acceptable and a contrary appeal decision referred to me by the Council.³
17. However, given my findings on the first main issue, the circumstances that could have led to the granting of planning permission are not present. Therefore, it is not necessary for me to further consider the appropriateness and means of delivery of mitigation within an Appropriate Assessment, since the harm and development plan conflict arising from the first main issue would not be reduced in their light.

Other Matters

18. I note other concerns raised by interested parties beyond those encapsulated by the main issues. Had my conclusions on the main issues pointed to the appeal being allowed, I would have explored these concerns further. In the circumstances, it is not necessary to do so as these issues would not be decisive to my reasoning.

Planning Balance

19. The dwellings would add to the local housing stock; however, given the scale of the proposal this benefit would be limited. Economic activity from construction of the dwellings and that generated by prospective residents, as well as any ecological enhancements which could be provided, would be similarly limited.
20. Set against these benefits, the proposal would cause significant environmental harm through the adverse effect it would have on the character and appearance of the area.
21. I have taken into account that the proposal would be undertaken by a small developer on a small site and that the dwellings would be aimed at first time buyers, as encouraged by the Framework. However, the Council states that following the recent adoption of its Local Plan, it can demonstrate a five year supply of deliverable housing sites. This is not challenged by the appellant and I have no evidence to suggest otherwise, or that the Council's housing strategy overall is inconsistent with the Framework.
22. Accordingly, the 'tilted balance' set out at Paragraph 11(d) of the Framework is not engaged. Even if it were, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits in this case.

Conclusion

23. The proposal would result in conflict with the development plan which is not outweighed by other material considerations. Therefore, the appeal is dismissed.

K Savage INSPECTOR

² APP/A3655/W/16/3143933 – Allowed 10 June 2016

³ APP/Y3615/W/18/3205765 – Dismissed 12 July 2019