



Appeal Decision

Site visit made on 5 September 2019

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/Y3615/W/19/3231215

Boxgrove Court, 144 London Road, Guildford GU1 1UF

- 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 David Mumford on behalf of Rushmon Homes against the decision of Guildford Borough Council.
 - The application Ref 18/P/02387, dated 13 December 2018, was refused by notice dated 1 April 2019.
 - The development proposed is construction of a three storey building containing 6no two bedroom flats with parking and associated works for residential purposes.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a three storey building containing 6no two bedroom flats with parking and associated works for residential purposes at Boxgrove Court, 144 London Road, Guildford GU1 1UF in accordance with the terms of the application, Ref 18/P/02387, dated 13 December 2018, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LP) was adopted in April 2019 following the refusal of the planning application that is subject of this appeal. The previously saved policies G1(1), G5(1), G5(6) and NE1 of the Guildford Borough Local Plan 2003 as referred to within the Council's decision notice have been superseded by Policies D1, ID3, ID4 and P5 of the LP accordingly. The parties have had an opportunity to comment on the change in status of policies of the development plan during the appeal process. I, therefore, determine this appeal relative to the policies of the current development plan, unless material considerations indicate otherwise.
3. During the appeal, the appellant provided a revised layout plan (drg.no. 105-01 rev D) and associated revised bin and cycle store details (drg.no. 105-14). Having reviewed the detail of the revised plans, I am satisfied that there would be no prejudice for interested people if I were to take them into account and I determine the appeal accordingly.

Main Issues

4. The main issues are:

- the effect on the character and appearance of the area;
- the effect on highway safety, with particular regard to parking arrangements, and;
- the effect on the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Character and appearance

5. The appeal site consists of a parcel of land that is currently in use as parking with associated landscaping. It is separated from Boxgrove Court, an existing four storey building comprising flats, by a shared access road that also serves The Gables, a recent development at the rear. The Gables consists of two terraced rows with four properties each that have a perpendicular arrangement relative to the alignment of London Road (A3100). The immediate surroundings along London Road consist of predominantly tall detached properties with a Victorian villa style design that are mostly in residential use as family houses or flats. However, the site also lies close to the junction with Boxgrove Road and Parkway (both A25), where the character changes due to the presence of an Ambulance Station, a single storey building with associated parking areas adjacent to the site, and The Clockhouse, a large three storey block containing apartments, beyond at the corner of London Road and Boxgrove Road.
6. The varied architectural styles, building heights, detailing, materials, proportions and spacing of properties visible along London Road within gaps in landscaped frontages offers an opportunity for development of the site with an original design provided that it would complement the local distinctiveness and sequencing of properties within the street scene from Boxgrove Court onwards. In that context, the proposed three-storey building consisting of 6no. two bedroom flats with associated parking areas, landscaping and bin/cycle store, would sit at a slightly lower land level with a reduced building height relative to Boxgrove Court. However, its scale, siting and building lines would broadly correspond with that property and those beyond. Furthermore, it would form part of the transition of building heights from the more extensive bulk and massing of The Clockhouse as land levels gradually rise from that building through the site and beyond, and in circumstances where the single storey ambulance station building has a lesser influence upon the street scene due to its position and more modest scale.
7. With regard to the above, the design of the proposed building comprising an asymmetrical frontage with a tall gabled outrigger would retain a complementary appearance to the Victorian villa style properties that are characteristic of the London Road frontage on the section up to Boxgrove Avenue. Moreover, the overall bulk and massing of its roof form would be reduced when viewed from London Road to retain the characteristic vertical emphasis of those properties through the use of a crown roof design. Although such a roof design is not typical of those neighbouring properties, it would provide an appropriate demarcation of and transition to the change in character of properties immediately to the south when viewed as part of the street scene.

8. The more substantial bulk and massing associated with the crown roof design would be evident on the side elevations of the building. However, gable projections at each side with a lower ridge height, would assist to provide a balance and degree of symmetry to those elevations. Furthermore, those parts of the building would be less apparent from public vantage points and in any case would remain comparable with the depth of Boxgrove Court whilst complementing the arrangement of the terraced rows to the rear of the site. The proposed use of materials including brick facades and plain clay roof tiles as set out on the submitted plans, would also assimilate with the mixed palette of materials evident in the surrounding area.
9. The development would result in the introduction of a further building within the site and a loss of existing land and space associated with Boxgrove Court. However, the site would not appear overly cramped or over developed when taking account of the side spacing and pattern of buildings immediately to the north. As previously mentioned, the site is now separated from the flats in Boxgrove Court by the shared access road and largely consists of hardstanding with supplementary landscaping that offers little amenity function to its residents other than for parking which would be replaced elsewhere as part of the proposal. Boxgrove Court and the properties at the rear have suitable enclosed rear amenity spaces for residents that would be largely unaffected. The proposal also includes adequate internal living space for each flat and an external amenity space at the rear of the building that would provide a suitable communal space to ensure a satisfactory living environment for future residents. The bin and cycle store adjacent to that area would be of a similar design and in a less prominent position than an existing bin store located close to the site access and therefore, would not detract from the character and appearance of the site or its surroundings.
10. It follows that I find that the building would integrate appropriately with the varied appearance of surrounding properties and therefore, would not appear overly prominent or have a detrimental impact upon the character of the area which includes a mix of other flatted developments. Concerns have been raised with regard to the enlarged areas of hardstanding close to London Road to provide parking for the development and the adjacent Boxgrove Court. However, based upon my observations, such arrangements are an established feature of both The Clockhouse and the ambulance station and therefore, would not appear out of place within its immediate surroundings.
11. In reaching the above view, I have taken into account that the appearance of the hardstanding close to the building and other parking areas would be somewhat softened given the proposed retention of the trees and vegetation along the highway frontage of London Road. Those landscaping features would particularly provide a degree of screening of the building and the larger parking area fronting it due to their offset position relative to the site access. The screening could also be supplemented by a condition to secure the additional landscaping proposed. Such an approach would ensure that the verdant nature of the London Road highway frontages at the site, opposite and beyond would be preserved. In that context, the associated removal of trees within the site and along the southern side boundary to accommodate the development is acceptable as the individual specimens are either in fair or poor condition and offer little amenity value to the site or the wider setting, and therefore, are capable of being replaced as part of the suitable landscaping scheme.

12. I conclude that, subject to conditions, the development would not harm the character and appearance of the area. The proposal, therefore, would not conflict with Policy D1 of the LP, and saved policies G5 and H4 of the Local Plan 2003. The relevant parts of the policies, when taken together, seek high quality design that responds to distinctive local character (including landscape character) of the area in which it is set, reinforce locally distinct patterns of development and include high quality landscaping, with respect for scale, height and proportions, materials, plot sizes, building lines, topography, aspect and relationship with other buildings. The policies are consistent with the design objectives of the National Planning Policy Framework (the Framework).

Highway safety

13. Policy ID3 of the LP, amongst other things, requires off-street vehicle parking for new development to be provided at such a level that resulting parking on the public highway does not adversely impact road safety or the movement of other road users. In that regard, the Guildford Borough Vehicle Parking Standards Supplementary Planning Document (SPD), September 2006, sets out the parking standards for C3 dwelling houses outside of Guildford Town Centre where the appeal site is located. The SPD standard in that respect is 1.5 spaces per 2 bedroom unit, with no separate requirement for visitors and it is, therefore, reasonable to consider that the overall parking standards take into account any occasional visitor demands. The parking standard for the new development, therefore, would be 9 spaces for the new building.
14. The proposal includes a total of 22 parking spaces within the site which are proposed to be assigned as 6 parking spaces and 2 visitor spaces to serve the new building and 12 parking spaces and 2 visitor spaces provided for Boxgrove Court as a replacement for the existing parking provision for that property which would be removed as part of the development. The design and layout of the parking spaces would be of a sufficient size and in suitable locations to ensure safe manoeuvring within the site and use of the shared access by vehicles to enter and exit in forward gear. The parking provision for the proposed building would fall below the parking standard in the SPD by a single parking space. However, the SPD is clear that the standards are a maximum that will be allowed and in appropriate circumstances a lower provision may be acceptable. Below a 15 dwelling threshold, the SPD standard is advisory, although for such developments, applicants are expected to demonstrate that there will be no adverse impact on the surrounding area.
15. With regard to the above, I observed that the site is within an accessible location on a main route into Guildford Town Centre with bus stops located in close proximity to the site which provide regular services to and from the town centre. I also observed that there are other shops and services at Collingwood Crescent and Kingspost Parade that are in walking distance. Furthermore, the proposal includes adequate provision for cycle parking. In such circumstances, I am satisfied that the location and adequacy of transport alternatives to the use of a private car would reduce the dependency upon and demand for parking within the site. Consequently, the proposal reflects appropriate circumstances where a lower provision than the maximum parking standards in the SPD would be acceptable as any potential impact upon on-street parking arising from a shortfall of 1 space would be limited.

16. In reaching the above findings, I have taken into account that on-street parking is not a feature of the nearby sections of London Road, which includes marked cycle lanes. Consequently, any overspill parking would be likely to be accommodated on nearby streets such as Abbotswood and Boxgrove Avenue. During my site visit in the late morning of a weekday to each of those roads, I observed varying levels of on-street parking, albeit with sufficient availability to accommodate any modest increase in parking demand arising from the development. In that respect, it is reasonable that demand at peak times (i.e. early mornings, evenings and overnight) may be higher. Furthermore, I accept that small, cumulative increases in parking demand can become significant in areas with relatively limited capacity. However, when taking account of the absence of on-street parking restrictions on those roads, I have no evidence that would lead me to consider that limited increases in parking demand arising from the development could not be safely accommodated including the temporary arrangements during the construction period.
17. In terms of parking and access within the site, the building would share an existing access from London Road with Boxgrove Court and The Gables. The access has suitable visibility in each direction along London Road and its associated footways, and therefore, its use would offer a safe and acceptable highway solution for the relatively limited increase in traffic and parking demand that would arise from the proposal.
18. I conclude that the development would not harm highway safety or local parking conditions. The proposal, therefore, would not conflict with Policy ID3 of the LP and the associated guidance in the Vehicle Parking Standards SPD, or the Framework in those respects.

Effect on the Thames Basin Heaths SPA

19. The appeal site lies within the 400m to 5km zone of influence relative to the Thames Basin Heaths SPA (and associated Site of Special Scientific Interest), which is an internationally designated site of nature conservation importance with special reference to important breeding populations of a number of birds, particularly nightjar, woodlark and Dartford warbler. The proposal results in the net addition of dwellings and therefore, would increase the population in the 5km vicinity of the SPA with the associated potential for increased recreation pressure. The proposal is not directly connected with, or necessary for, the management of the protected sites and, in combination with other projects across the area, could be likely to have a significant effect on the SPA due to the cumulative increases in population nearby. In such circumstances, the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that an Appropriate Assessment is carried out, which has been undertaken by the Council.
20. The SPA qualifies for such protection due to supporting populations of breeding birds which are susceptible to predation and disturbance. The additional dwellings, whilst relatively limited in scale given the six flats proposed, would contribute to an increased population in combination with other plans, projects and developments in the area. Given the proximity of the development to the SPA, I agree that it is likely that this increase in population will lead to an increase in visitor and recreational pressure within the SPA. Given the susceptibility and vulnerability of the qualifying features of the SPA to such use,

it cannot be concluded that the development would not adversely affect the integrity of the protected sites in combination with other projects.

21. With regard to the above, the LP addresses situations where adverse effects on the SPA would be likely to occur and confirms the suitability of mitigation measures for associated projects such as the proposal as set out in Policies ID4 and P5 of the LP and its supporting text. The Guildford Borough Thames Basin Heaths SPA Avoidance Strategy Supplementary Planning Document (SPD), July 2017, is also in place to provide the possibility of opportunities to avoid or mitigate the adverse effects. This is through provision of avoidance measures such as alternative recreational space to attract and divert people away from the SPA and access management measures within the SPA. The LP and SPD, therefore, offer the potential to demonstrate adequate avoidance or mitigation of significant adverse effects due to recreational pressure on the SPA.
22. To achieve such mitigation, the SPD seeks financial contributions from development to contribute towards the alternative space (Suitable Alternative Natural Greenspace - SANG) and management measures (Strategic Access Management and Monitoring - SAMM), based upon the bedroom sizes of each net additional dwelling. Natural England have confirmed when consulted upon the Appropriate Assessment that they have no comments to make, as long as the relevant avoidance and mitigation measures are secured.
23. With regard to the above, a planning obligation made under Section 106 of the Planning Act, signed and dated 30 August 2019, provides for the appropriate contribution to be made, including £30,807.12 towards a SANG in Guildford and £3,462.96 towards SAMM so as to accord with the SPD. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. With the planning obligation in place, and taking account of the Natural England response to the Appropriate Assessment relating to the application, I am satisfied that the effects of this proposal on the SPA would be sufficiently mitigated so that no harm to its integrity would result.
24. I conclude that the proposal would not have a harmful effect on the Thames Basin Heaths SPA. The proposal, therefore, would not conflict with Policies ID4 and P5 of the LP, saved policy NE4 of the Local Plan 2003 or saved policy NRM6 of the South East Plan 2009 or the associated guidance in the SPD, as supported by the Habitats Regulations and consistent with the Framework. Taken together, these require the safeguarding of international, national and local designated sites, priority habitats and species.

Other Matters

25. The proposal has been carefully designed to ensure a satisfactory relationship with surrounding buildings and subject to a condition to secure obscure glazing of non-habitable bathroom windows in the elevation that faces towards The Clockhouse, it would have adequate separation distances to surrounding properties to preserve the living conditions of the occupiers of the flats and neighbouring occupants in terms of outlook, light and privacy. In reaching that view, whilst I note that there would be some views from bedroom windows towards the rear gardens of The Gables, those sections of rear gardens would already be overlooked by their neighbouring properties and therefore, the proposal would not result in a harmful loss of privacy. The relationship of some windows and part of the rear garden with the side elevation of the nearest

building of The Gables would be relatively close but, on balance, it would not result in an unduly overbearing or overshadowing effect. Furthermore, in the particular circumstances of this case, when taking account of the relationship with secondary side windows in the facing elevation of Boxgrove Court, some of which are obscure glazed, there would be no loss of privacy for the occupiers of that building or the future occupiers of the proposal.

26. With regard to the above, I am also satisfied that the limited vehicle movements associated with the increased use of the shared access to serve the development would not result in significant noise and disturbance for the occupiers of the surrounding dwellings. In addition, any potential detrimental effects during the construction period due to the close relationship with surrounding properties could be mitigated through the imposition of a suitably worded condition to secure the implementation of the Construction Method Statement (CMS) provided. The CMS is acceptable in terms of the pre-construction works, the parking arrangements for site operatives and visitors, unloading and storage of plant and materials, measures to prevent deposit of materials on the highway and the provision of on-site turning for construction vehicles with deliveries only taking place between the hours of 0800 - 1600 on Monday to Friday and 0800 to 1300 on Saturday.
27. The development would be in close proximity to the ambulance station, where vehicles enter and exit the adjacent site at all hours of the day. However, the evidence before me indicates that sirens are not operated on site and when taking account of the presence of other residential properties nearby and the intervening position of the ambulance station building between parking areas, I am satisfied that the living environment for future residents would not suffer from significant noise and disturbance. There are no facing windows in the adjacent ambulance station and the commercial use of that premises would be unaffected by the proposal.

Conditions

28. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, I have reordered the conditions and amended the wording to ensure consistency with paragraph 55 of the Framework. Conditions 1 and 2 relate to the time limit for the planning permission and require compliance with the submitted details which are necessary to provide certainty of the planning permission hereby granted.
29. Condition 3 secures the tree protection measures for those trees to be retained as identified in the Arboricultural Report prepared by DPA Arboricultural Consultants dated December 2018 and the associated plans (drg.no. DPA-7038-01 Rev A, DPA-7038-02 Rev A & DPA-7038-03 Rev A) to ensure the character and appearance of the area is preserved. Condition 4 is imposed in the interest of the character and appearance of the development insofar as it would ensure the provision of the landscaping and boundary treatments in a timely manner relative to the first occupation of the development.
30. Condition 5 ensures that prior to the first occupation of the dwelling the hardstanding area on the approved plans will be laid out and retained thereafter as parking with a turning area. This is necessary to preserve highway safety and retain access for emergency vehicles and servicing. Condition 6 ensures the CMS is in place so that the development would not prejudice highway safety nor inconvenience other highway users, and to

minimise disturbance for occupiers of neighbouring properties during the period of its construction. Conditions 7, 8 and 9 are included to ensure that there is sufficient provision as part of the development for the charging of electric vehicles and to provide energy and water efficiency measures so as to accord with the development plan, associated guidance and the Framework.

31. Condition 10 secures the installation of appropriate storage facilities for bins and recycling as shown on the approved plans to ensure that they are provided before first occupation of the development permitted. Condition 11 relates to the obscure glazing of upper floor windows in the southern flank elevation which was previously identified as necessary in the interest of the living conditions of occupiers of neighbouring properties.

Conclusion

32. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed and planning permission granted as set out in the formal decision and subject to the conditions in the schedule.

Gareth Wildgoose

INSPECTOR

SCHEDULE

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:
413-01, 105-01 Rev D, 105-02 Rev D, 105-03, 105-04 Rev A, 105-05 Rev B, 105-06 Rev B, 105-07, 105-14 & 1513/LA1 Rev A.
- 3) The development hereby permitted shall be carried out in accordance with the tree related works and tree protection measures set out in the Arboricultural Report prepared by DPA Arboricultural Consultants dated December 2018 and the associated plans (drg.nos: DPA-7038-01 Rev A, DPA-7038-02 Rev A & DPA-7038-03 Rev A). The approved scheme for the protection of the retained trees shall be installed before any site clearance or development starting on site. Within all fenced areas, the soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris. The protection measures shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.
- 4) The development hereby permitted shall be carried out in accordance with the landscaping scheme (with the exception of planting, seeding and turfing) and boundary treatments detailed on drg.nos: 1513/LA1 Rev A & 105-01 Rev D, prior to its first occupation and retained in accordance with the approved details thereafter. All planting, seeding and turfing shall be carried out in accordance with the approved details before the end of the first planting season either following the first occupation of the building or the substantial completion of development, whichever is sooner. Any trees or plants which within a period of 5 years from substantial completion of the development, die, are removed or become seriously damaged or diseased shall be replaced

- in the next planting season with others of similar size and species to those originally planted, unless otherwise agreed in writing by the local planning authority.
- 5) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plan (drg no. 105-01 Rev D) for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
 - 6) The development hereby permitted shall be carried out in accordance with the approved Construction Method Statement (by Rushmon Homes Ref no. 413, dated 5 December 2018 and construction site plan dated November 2018). Only the approved details shall be implemented during the construction of the development.
 - 7) The development hereby permitted shall not be occupied unless and until at least 2 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the local planning authority.
 - 8) The development hereby permitted shall be carried out in accordance with the energy efficiency measures set out in the Energy Demand Statement by Abbey Consultants (dated December 2018) to ensure a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon technology shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
 - 9) The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the local planning authority to demonstrate that this condition has been met.
 - 10) The development hereby permitted shall not be occupied until the storage facilities for bins and recycling shown on the approved plans (drg nos. 105-01 Rev D & 105-14) have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.
 - 11) The development hereby permitted shall not be occupied until the bathroom (shower room) windows at first floor level and above in the southern flank elevation of the development hereby permitted have been glazed with obscure glass and permanently fixed shut, unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscure glazing and restrictions upon opening of those windows shall thereafter be permanently retained as such.

END OF SCHEDULE