



Appeal Decision

Site visit made on 22 October 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2019

Appeal Ref: APP/Y3615/W/19/3234347

2 Old Farm Road, Guildford, GU1 1QN

- 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 Paul Saunders against the decision of Guildford Borough Council.
 - The application Ref: 19/P/00765 dated 30 April 2019, was refused by notice dated 15 July 2019.
 - The development proposed is described as a two-bedroom dormer window bungalow to the rear of the garden of 2 Old Farm Road Guildford.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of the development on the application form as set out in the banner heading, the revised plans submitted during the course of the determination of the application do not show any dormer window to the proposed dwelling. For the avoidance of doubt, I have determined this appeal on the basis of the amended drawings (Proposed Block Plan 18-10-05-B, Proposed Floor Plan 01-05-19-B, Proposed Elevations 03-05-19-B and Proposed Elevations 04-05-19-B).

Main Issues

3. The main issues are the effect of the proposed development on;
 - a) the character and appearance of the area
 - b) the living conditions of the future occupiers of the proposed dwelling with particular regard to the provision of private garden space; and
 - c) the integrity of the Thames Basin Heaths SPA (TBH SPA).

Reasons

Character and appearance

4. The appeal site is located on a spur road off Waterside Road which provides access to the rear of properties on both Waterside Road and on Old Farm Road. The spur road has the character of a service road due to the rear gardens and boundaries either side, parking spaces and a block of garages. The properties on Waterside Road are primarily 2-storey terraces, although there is a pair of semi-detached dwellings and a detached dwelling opposite the appeal site. The properties on Old Farm Road are 2-storey and semi-detached with long rear gardens, which give this side of the spur road a spacious character. The appeal site forms part of the rear garden of 2 Old Farm Road.

5. The proposed bungalow would be incongruous due to its single-storey form and position fronting the spur road off Waterside Road. Although there is rear vehicular access to 2b and 2c Waterside Road opposite the appeal site, these are still clearly rear elevations and gardens. It would create, in the words of the main parties 'a second tier of development' and consequently would not conform with the established linear pattern of development created by the lines of properties on Old Farm Road and Waterside Road.
6. It would also erode the sense of spaciousness afforded by the long rear gardens – although there are other buildings in some of these rear gardens, they are more modest sheds or other ancillary outbuildings. The size and constrained nature of the plot would also be odds with the long plots of the properties on Old Farm Road. It would therefore be detrimental to the character and appearance of this area.
7. I therefore conclude that the proposed development would conflict with saved Policies G5 and H4 of the Guildford Borough Local Plan 2003 (GBLP 2003) and Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2015-2034) (GBLP 2015-2034). In summary, these policies require, amongst other things, development proposals to respect the character of the area, including established street patterns, plot sizes and building lines. However, I find no conflict with Policy H1 of the GBLP 2015-2034 which sets out particular requirements for different types of residential accommodation.
8. The proposed development would conflict with the aims and principles of the Residential Design Guide Supplementary Planning Guidance 2004. It would also be contrary to paragraphs 124, 127 c) and 130 of the National Planning Policy Framework (the Framework). These require good design, developments to be sympathetic to local character and permission to be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living Conditions

9. The proposed dwelling would be located on a small plot with a frontage depth of approximately 8 m and rear garden depths of approximately 5 m minimum and 9.8 m maximum. The frontage would accommodate two parking spaces and bin store so the only effective usable private garden area would be to the rear of the proposed dwelling. Although not consistent with the prevailing garden areas in the vicinity, I consider that the rear garden would be adequate for sitting out, drying clothes and play, particularly given that the proposed modest dwelling would be unlikely to accommodate a large family.
10. I therefore conclude that the proposed development would provide for adequate living conditions for future occupiers and thus not conflict with saved Policy G5 of the GBLP 2003 nor Policy D1 of the GBLP 2015-2034 in this respect, neither of which, in any event, refer to private garden areas. I also find no conflict with paragraph 127 of the Framework in respect of its requirement for a high standard of amenity for future users.

The TBH SPA

11. The appeal site lies in the 'zone of influence' ie between 400m and 5 km of the TBH SPA. The TBH SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species; Nightjars, Woodlarks and Dartford Warblers. Natural England has identified that net additional housing development up to 5 km from the SPA is likely to have a significant effect (either alone or in combination with other developments) on these protected species. This is due, in particular, to the impact of recreational use on the areas used by these important populations of these rare bird species.
12. Policy NRM6 of the South East Plan states that new residential development which is likely to have a significant effect on the ecological integrity of the TBH SPA will be

required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Policy P5 of the GBLP 2015-2034 essentially requires the same. Where net new residential development is proposed within the zone of influence, the policy requires avoidance and mitigation measures to be delivered prior to the occupation of the new dwelling(s) and in perpetuity.

13. These measures must be based on a combination of the provision, improvement and / or maintenance of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2017. Policy P5 explains that the Council will collect developer contributions towards avoidance and mitigation measures, including SANG and SAMM. In practice these contributions would be secured via a planning obligation.
14. Natural England raised no objection to the proposed development provided that the mitigation measures identified in the Council's Appropriate Assessment were secured. However, no planning obligation to secure those measures or other mitigation measures have been provided with the application or the appeal. I note that the Council did not seek a planning obligation from or with the appellant, but the appellant could have put forward one without an invitation from the Council.
15. Saved Policy NE4 of the Guildford Borough Local Plan 2003 presumes against developments that would be liable to cause demonstrable harm to protected species or their habitats unless planning conditions are attached to the planning permission requiring the developer to secure their protection. However, the Planning Practice Guidance advises that a negatively-worded condition requiring the appellant to enter into a planning obligation is unlikely to be acceptable in the majority of cases. Whilst such a condition may be appropriate where there is clear evidence that the delivery of the development would otherwise be at serious risk, eg in the case of particularly complex development schemes, I have no evidence that this is applicable to this proposal.
16. I therefore conclude that the proposal would have adverse effects on the TBH SPA and would conflict with the Conservation of Habitats and Species Regulations 2017 (as amended), saved Policy NRM6 of the South East Plan 2009, saved Policy NE4 of the Guildford Borough Local Plan 2003 and Policy P5 of the Guildford Borough Local Plan 2015-2034.

Other Matters

17. I note that the proposed scheme is a resubmission following the refusal of planning permission for a previous application¹ for a two-bedroom detached chalet bungalow with two front and two rear dormer windows on the appeal site in February 2019. However, I have considered the scheme before me on its own merits and I have found it to be harmful to the character and appearance of the area and to the integrity of the TBH SPA for the reasons given above. Consequently, the proposed scheme does not overcome all the concerns with the previous proposal.
18. The proposed dwelling is to provide accommodation for the appellant's daughter and her partner. However, whilst I appreciate that this might well be more affordable than purchasing a property elsewhere and would benefit the appellant's family, this is not a circumstance particular to the appellant and his family and does not justify a departure from the development plan. No other particular circumstances have been put forward to demonstrate that there is a specific need for the appellant's daughter and her partner to live in close proximity to the appellant or that they could not occupy a property elsewhere.

¹ 18/P/02198

19. The matter of the Framework stating that planning permission should be granted unless the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits does not arise in this appeal. This is because, under paragraph 11 of the Framework, this principle only applies where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date.
20. In this appeal there are relevant policies, the most important of which are Policy NRM6 of the South East Plan, Policies G5, H4 and NE4 of the GBLP 2003 and Policies H1, D1 and P5 of the GBLP 2015-2034. These are not out-of-date as, notwithstanding some confusion on this matter in the Planning Officer's Report, the Council maintains that it can demonstrate a 5-year supply of deliverable housing sites including the appropriate buffer. The Housing Delivery Test: 2018 Measurement indicates that the Council delivered 75% of its total housing requirement over the period 2015-2018. These matters are not directly contested by the appellant. Also, these most important policies for the determination of this appeal are consistent with the Framework's policies for housing, habitats, biodiversity and design.
21. I accept that the Framework recognises that small and medium sites can make an important contribution to meeting the housing requirement. However, the provision of a single dwelling would only be a very modest contribution and is not sufficient a material consideration to outweigh the conflict with the development plan.
22. I acknowledge that neither the Highway Authority nor Thames Water objected to the proposed development, and that there were no representations from any members of the public. I also accept that the proposed development would not have any adverse effect on the living conditions of the occupiers of neighbouring dwellings and that the Council has not objected to the detailed design or appearance of the dwelling or the removal of the conifers on the boundary. However, as these matters would have only a neutral effect, I accord them limited weight in my decision.

Conclusion

23. For the reasons given above, and having regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR