
Appeal Decision

Site visit made on 21 January 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2020

Appeal Ref: APP/Y3615/W/19/3239671

Land R/O 1&2 Hampton Cottages and Belton Villa, Ash Green Road, Ash Green GU12 6JQ

- 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 A Machin (AGM Design and Build Limited) against the decision of Guildford Borough Council.
 - The application Ref 19/P/00824, dated 8 May 2019, was refused by notice dated 3 July 2019.
 - The development proposed is erection of three 3-bedroom detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An amended plan, numbered GBC/19/21/A, was submitted with the appeal, showing a number of minor changes to the plans considered by the council. These include: a waste collection point on the drive close to the road; additional landscaping; acoustic fencing (instead of a dwarf brick wall and close board fencing) along the driveway edge; minor repositioning of the houses; and consequent alterations to plot boundaries, parking bays, waste bins and cycle stores.
3. The amended plan has not significantly altered the proposed development, so it is still, essentially, what was considered by the local planning authority, and on which interested people's views were sought. Therefore, taking account of the Wheatcroft principles¹, my consideration of the amended plan would not prejudice anyone involved in the appeal.

Main Issues

4. The council refused the application for four reasons. However, subsequently, the appellant and the council have completed an agreement under Section 106 of the Town & Country Planning Act 1990, which would secure a financial contribution towards measures to mitigate the impact of the development on the Thames Basin Heaths Special Protection Area. The council has confirmed that the obligation overcomes the fourth reason for refusal on the decision notice.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

5. Consequently, the main issues are:

- a) The effect of the development on the character and appearance of the area;
- b) The effect of traffic movements associated with the development on the living conditions of the occupants of 1 and 2 Hampton Cottages and Belton Villa; and,
- c) Whether suitable off-street car-parking provision would be available to serve the development.

Reasons

Character and appearance

- 6. 1 and 2 Hampton Cottages are a pair of semi-detached houses, which lie at the north-eastern end of a row of long-established development, in an otherwise semi-rural location. This enclave of development is characterised by traditionally designed two-storey houses, often semi-detached and of brick construction, facing the road. They are all set back a similar distance, and most have car-parking areas in their front gardens. The houses all have long rear gardens, and the spaciousness to the rear is evident through the gaps in the frontage development. Although they are a recent addition, Hampton Cottages conform with these characteristics, and therefore sit comfortably within this well-defined group of buildings.
- 7. The semi-rural character of the surrounding area is set to change. Land to the northwest, northeast and southeast of the row of houses forms part of a strategic allocation of land of approximately 1,750 homes in the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (adopted April 2019) (the Local Plan). Planning permission has been granted for part of the allocation on the opposite side of Ash Green Road. The evidence before me indicates that this housing will be served by a new road, off Foreman Road to the southwest, and that the boundary hedging would be retained. Therefore, the established group of houses in Ash Green Road would remain visually distinct.
- 8. I have not been provided with details of any proposals for development of the allocated land to the southeast. However, the long rear gardens of the houses fronting Ash Green Road dictate that there would be a significant visual break between this established row of houses and the new development beyond. So, although the surrounding land will change radically, this existing row of houses will retain its own distinctive character, as a pocket of traditional housing fronting the road, with spacious gardens to the rear.
- 9. The proposed siting of three detached houses, directly behind the frontage buildings, would be harmful to this distinctive character. Although the appellant contends that they would be largely hidden by the frontage development, I saw that the houses would be readily visible through the gap between Hampton Cottages and Belton Villa. They would be uncharacteristically close to the roadside buildings, and would therefore appear as an intrusive feature in the otherwise spacious area to the rear of the houses. They would also be visible through the proposed access, from the road. From this viewpoint, the uncharacteristic expanse of hardsurfacing to the rear of the frontage buildings would also be evident. Although the appellant advocates that there would be significant space for landscaping, only a very small planting strip is proposed to

soften the impact of the driveway and the stark, close-boarded fence, that defines the boundary of 1 Hampton Cottages.

10. I am mindful of the appellant's suggestion that high quality materials could be used to limit the visual impact of the driveway, and to give interest to the houses. However, this would not overcome the harm to the character of the area that would result from the loss of spaciousness and greenery to the rear of the frontage development.
11. The appellant argues that "backland" development is not unacceptable in principle, and draws attention to a number of examples elsewhere in the borough, which are considered to be similar. Conversely, the council has referred to more recent appeal decisions where Inspectors have dismissed proposals for apparently comparable developments. None of these examples lie within this distinct group of houses, and many of them are a considerable distance away. Nevertheless, I have had regard to them. During my site visit I saw that the nearest of them, Townsend Close, had a different context, with a less pronounced pattern of frontage buildings and long back gardens. On the evidence submitted, I find none of the examples to be directly comparable to the scheme before me, which I have therefore considered on its own merits.
12. The council's Residential Design Guide Supplementary Planning Guidance (2014) (the Design SPG) recognises that there is pressure for backland development in areas of semi-detached housing with comparatively long back gardens. The Design SPG says it is important that any such development is sensitively designed to harmonise with the locality. The Case Studies within the Design SPG, which illustrate theoretically acceptable examples, show courtyard arrangements, with corner-turning houses to mark the entrance, and parking areas tucked into corners to reduce their dominance. The appeal proposal does not display any of these characteristics, which adds weight to my finding that it would not assimilate comfortably into the prevailing pattern of development.
13. I therefore conclude that the development would harm the character and appearance of the area. Consequently, the proposal would conflict with Policies H1 and D1 of the Local Plan and saved Policy G5 of the Guildford Borough Local Plan (2003) (the saved Local Plan). Taken together, these policies seek to achieve high quality design that reflects the character of the local area and reinforces locally distinct patterns of development. The proposals would also conflict with the aims of Section 12 of the National Planning Policy Framework (the Framework) to achieve well-designed places.

Living conditions

14. Vehicular access to all three dwellings would be achieved via a new driveway between 1 Hampton Cottages and the site boundary. Due to the restricted width of land available, this would mean that the driveway would be within 1.2 metres of the side wall of the house. The driveway would then wrap around the rear boundaries of 1 and 2 Hampton Cottages and Belton Villa, to access the parking and turning areas for the three houses. A robust close boarded fence had already been erected along the driveway and around the rear garden boundaries at the time of my site visit.
15. All vehicles accessing the site would have to pass close to the side elevation of 1 Hampton Cottages, which has ground floor hall, study and utility room windows facing the driveway. These are, however, largely below the level of

the boundary fence. At first floor level there are two bathroom windows and a bedroom window, but these are further from the boundary and above the level of any vehicles using the driveway. Traffic using the driveway would be infrequent and would be travelling at a low speed. As the main windows of habitable rooms in the house face to the front and rear, I conclude that it is unlikely that vehicles using the driveway would cause significant harm to the living conditions of the occupants of the house.

16. This conclusion is supported by the Noise Assessment submitted with the appeal. The Assessment assumes 36 traffic movements per day and a further 9 at night, with 9 in a peak hour. The results of the Assessment suggest that, with the fence in place, cars using the access road would not increase the noise level at the windows during the daytime or the night-time, either in terms of the short-term maximum noise of one car, or the long-term average noise of car movements during the day. I have not been provided with any evidence to cast doubt on these findings.
17. Traffic manoeuvring into and out of the car-parking spaces, to the rear of 1 and 2 Hampton Cottages and Belton Villa, would be doing so at very low speeds. These movements would take place beyond the 12-metre rear gardens of 1 and 2 Hampton Cottages, and behind a robust boundary fence. Belton Villa has a similar length rear garden, with a large outbuilding occupying the full width of the rear boundary, which would effectively screen much of the noise generated on the appeal site. Therefore, whilst the proposed development would introduce vehicle movements into the area behind the frontage buildings, it is unlikely that these would generate noise and disturbance at a level that would materially affect the peaceful enjoyment of the neighbouring dwellings and gardens.
18. I therefore conclude that the traffic movements associated with the development would not have a harmful impact on the living conditions of the occupants of 1 and 2 Hampton Cottages and Belton Villa. The proposals would therefore accord with Policy G1(3) of the saved local Plan, which seeks to ensure that the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms of noise. The development would also accord with the aim of paragraph 127 of the Framework to create places with a high standard of amenity for existing and future users.

Car-parking

19. Guidance on car-parking is provided by the council's Vehicle Parking Standards Supplementary Planning Document (2006) (the Parking SPD) and Surrey County Council's Vehicular and Cycle Parking Guidance (2018). Both documents set maximum parking standards. For three-bedroomed dwellings, both advise a maximum of two car-parking spaces per dwelling. The Parking SPD says that for small scale residential developments the maximum standard will be advisory, and the council will consider the impact of such schemes carefully, to ensure that adequate off-street parking is provided. The proposed level of two car-parking spaces per dwelling would therefore comply with the advice contained in both guidance documents.
20. The Parking SPD advises that the minimum dimensions of a car parking space are 2.4 metres by 4.8 metres. The amended plan shows two spaces of these dimensions for each of the three houses. The arrangement for Plot 2 would make access to the front door difficult if both spaces were occupied, however,

an alternative arrangement could have been secured by a planning condition if I had been minded to allow the appeal. I therefore conclude that suitable off-street car-parking provision would be available to serve the development, in accordance with the Parking SPD and the County Council's Vehicular and Cycle Parking Guidance.

Planning Balance

21. I am mindful that the development would contribute to the government's objective of boosting the supply of homes, as expressed in paragraph 59 of the Framework. The three dwellings proposed would contribute to the 750 windfall sites required to meet the Local Plan's housing target. The appellant also points out that 3-bedroomed accommodation is identified by the Local Plan as the most needed type of market housing in the area.
22. The benefits of three dwellings are, however, limited and the Local Plan and the Framework both need to be considered as a whole. Whilst both support the provision of housing in sustainable locations, they also both seek to ensure that development is sympathetic to the character and appearance of the area. The limited benefits that would ensue from the development do not outweigh the harm that I have found in this regard.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR