

Appeal Decision

Hearing Held on 4 February 2020

Site visit made on 4 February 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/Y3615/W/19/3227356

North House and South House, Albury Road, Guildford GU1 2BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by McCarthy & Stone Retirement Lifestyles Ltd against the decision of Guildford Borough Council.
 - The application Ref 18/P/01568, dated 8 August 2018, was refused by notice dated 21 December 2018.
 - The development proposed is erection of 20 apartments with associated communal facilities, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, the Guildford Borough Local Plan: Strategy and Sites (LPSS) has been formally adopted by the Council on 25 April 2019. Many of the recently adopted policies supersede saved policies contained within the 2003 Local Plan (LP). Remaining saved policies are however still used for the determination of planning applications. I shall determine the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the site and immediate area;
 - The effect of the proposal on Thames Basin Heaths Special Protection Area (SPA); and
 - Whether the proposal would make adequate provision for affordable housing.

Reasons

Character and appearance

4. The appeal site comprises two large two-storey buildings with shallow pitched roofs, which are both subdivided into four self-contained flats. The front garden includes landscaped areas and informal parking arrangements, which are to some extent screened by a large front boundary wall and hedging. Whilst it

may be argued that the buildings are of no particular architectural merit, they retain a domestic scale and sit unobtrusively within their landscaped setting, despite the size of the plot, which appears noticeably wider than the majority of sites lining Albury Road.

5. The surrounding area is mainly residential in character and is predominantly made of large two- and three-storey buildings, many of which date from the Victorian era, and are set within spacious plots complemented by mature trees and landscaping. Properties are typically set back from the road, behind front gardens, which in most instances also include hardstanding areas for parking. The spaciousness of development along Albury Road, including at the appeal site, makes a marked contribution to the leafy and suburban character which defines this area.
6. The appeal scheme would result in a significant intensification of development on the plot, not only in terms of the massing, bulk and site coverage of the proposed building, but also the extensive and formalised areas of hardstanding required for the provision of parking. In particular, the proposed development would be noticeably wider than the existing buildings and virtually span across the entire width of the plot, thus reducing the characteristic degree of spacing with neighbouring properties. As a result, the positive contribution that the appeal site currently makes to the sense of spaciousness and openness in the area would be significantly diminished.
7. The proposed block would also project a lot further into the plot and breach what is otherwise a fairly consistent rear building line. Although it is accepted that the depth of the building would to a large extent be screened by the sprawling width of the block and landscaping when viewed from Albury Road, it would nevertheless be apparent from neighbouring properties.
8. Whilst the plot coverage map submitted by the appellant at the hearing has been of assistance, this is only one measure to assess the acceptability of a particular scheme with regard to its effect on the character and appearance of the area, especially because it does not reflect the bulk and scale of buildings. In many respects, it is clear that the design approach sought to minimise the four-storey scale of the development, notably by reducing its overall height and breaking up the built form.
9. However, the tiered effect of the different parts of the building, combined with its excessive bulk, massing and width, would overwhelmingly dominate the street scene and fail to relate to its immediate surroundings. The extensive use of hip and flat roof elements would be awkward and overly complicated, thus detracting from the simpler forms of development which are more commonly found in the locality. The reduction to the floor to ceiling heights of the different levels of accommodation would in turn affect the external envelope of the development. It would result in a building of horizontal proportions and 'squat' appearance, which would be at odds with the vertical emphasis of the Victorian properties that otherwise prevail in this area. Despite a palette of contrasting materials, the appeal development would still appear as a single mass, and unduly stand out as a building of an institutional scale, by reason of its lack of articulation and overall bulk and massing.
10. The size of the hardstanding area to the front of the site would be concealed to some extent by the front boundary wall, which is proposed to be retained, and would not warrant the dismissal of the appeal on this sole basis, particularly as

there are other similar arrangements within the immediate vicinity. Nevertheless, I find that the size of the area taken up by the driveway and car parking provision is a further illustration of the the harm which would be caused to the character and appearance of the area as a result of the quantum of development proposed.

11. My attention has been drawn to an appeal decision¹ which relates to the redevelopment of Welland House directly opposite the appeal site. The scheme allowed on appeal was however not implemented and a subsequent planning application² for the erection of a purpose-built block of 14 self-contained flats was approved by the Council and is currently under construction. Although, as noted by the Inspector, the area includes buildings 'with various architectural styles and detailing', the Council's submissions have confirmed that the approved scheme is of a much smaller width and overall height, which retains more spacing to the side boundaries. Having regard to the submitted evidence, there are no reasons for me to take a different view, and despite its proximity to the appeal site, I am not certain that the scheme which is currently being constructed represents a direct parallel to the proposal before me.
12. For these reasons, the appeal development would cause unacceptable harm to the character and appearance of the site and immediate area. It would therefore conflict with the aims of Saved LP Policies G5 and H4, Policies D1 and D4 of the LPSS, the Council's Residential Design Guide³ and Guildford Landscape Character Assessment and Guidance – Townscape Assessment⁴. Amongst other things, these seek to ensure that development proposals are of a high quality design and respond to distinctive local character of the area in which they are set. For the same reasons, the appeal proposal would not accord with the aims of the National Planning Policy Framework (the Framework), having particular regard to paragraphs 127 and 130.

Thames Basin Heaths SPA

13. The appeal site lies within 5km to the Thames Basin Heaths SPA. This network of heathland sites provides a habitat for woodlarks, nightjars and Dartford warblers, which are recognised as internationally important bird species. The Council, in consultation with Natural England, consider that the increased recreational pressure arising from the proposal is likely to have, in combination with other plans and projects, a significant effect on the integrity of this internationally designated area, unless suitable mitigation is provided.
14. In accordance with the Thames Basin Heaths SPA Avoidance Strategy Supplementary Planning Document⁵ (SPD), residential development proposals are required to make a financial contribution towards Suitable Alternative Natural Greenspaces (SANG) and Strategic Access Management and Monitoring (SAMM) measures, which are normally secured through the completion of a planning obligation. The Council have confirmed that in this particular instance, a financial contribution of £68,540.16 would be required as part of the development. The contribution would be used towards the improvement, maintenance and management of Chantry Woods SANG.

¹ APP/Y3615/A/13/2194663.

² Local Planning Authority Reference 18/P/00376.

³ July 2004.

⁴ January 2007.

⁵ July 2017.

15. Whilst I was provided with a draft copy of the legal agreement at the hearing, there is no completed planning obligation before me. Accordingly, and in the absence of adequately secured mitigation measures, I am unable to complete the Appropriate Assessment required by the Habitats Regulations and cannot therefore be certain that the proposal would not prejudice the integrity of the Thames Basin Heaths SPA. The appeal scheme would therefore fail to accord with Saved LP Policy NE4, Policy NRM6 of the South East Plan (May 2009) and Policy P5 of the LPSS, as well as the Thames Basin Heaths SPA Avoidance Strategy SPD. Amongst other things, these seek to ensure that development proposals do not cause any demonstrable harm to protected species and habitats or compromise the integrity of the SPA.

Affordable housing

16. Policy H2 of the LPSS requires 40% of affordable homes to be provided on site, in respect of development proposals for 11 or more dwellings, or where residential properties would have a combined gross internal floorspace of more than 1,000 square metres. The appeal proposal is a specific development package for older persons, which includes a number of communal external and external facilities. As such, the Council accepts that in this particular instance, the on-site provision of affordable homes would be impractical and, accordingly, a financial contribution in lieu is considered appropriate.
17. On the basis of the evidence submitted during the course of the planning application, the Council took the view that the appellant was in a position to pay a financial contribution of £462,232.84 toward affordable housing. The parties however reached an agreement during the course of the appeal process, and the draft S106 indicates that a contribution of £212,142.80 would be secured towards affordable housing.
18. However, in the absence of a duly completed planning obligation, the proposed development would fail to adequately provide for affordable housing and would therefore conflict with Policy H2 of the LPSS and the Council's Planning Contributions SPD (2017). The proposal would also be contrary to the aims of the Framework, which states that affordable housing should be provided where a need for it is identified.

Other Matters

19. At the time of the determination of the planning application, the Council was unable to demonstrate a five-year supply of deliverable housing sites. On 1 November 2019, an updated Land Availability Assessment has however been published, which states that the Council can currently demonstrate 6.84 years of housing land supply. This is not disputed by the appellant. Accordingly, paragraph 11 of the Framework is not engaged in this instance.

Planning Balance and Conclusion

20. The Planning Practice Guidance⁶ (PPG) clearly states that the need to provide housing for older people is critical. For plan-making purposes, the PPG adds that strategic policy-making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people.

⁶ Housing for older and disabled people (ID: 63-003-20190626).

21. The appeal scheme would contribute to the provision of specialist residential accommodation for older people for which there is an identified need, as highlighted during the preparation of the recently adopted LPSS. As detailed within the supporting text to Policy H1, which focuses on the provision of homes for all, there is an ageing population within the Borough, with a significant projected growth in the over 65 year olds, and an estimated need for 1,061 specialist accommodation for older people over the plan period. I note that the Council is seeking to address these particular issues through a number of sites allocations and specific requirements in respect of residential development proposals, as set out in Policy H1. Having regard to the evidence before me, I see no reasons why the demand for this type of specialist accommodation could not be met over the plan period.
22. There would be social benefits arising from the scheme, in providing a type of residential accommodation which would support the needs of older people and would be likely to reduce the reliance on the National Health Service, whilst freeing up a number of under-occupied dwellings for other population groups. I ascribe significant weight to these benefits.
23. The appeal development would also generate a number of financial and economic benefits, both during the construction phase and through the use of local facilities, which are afforded some weight. There would be other financial benefits, such as the payment of New Homes Bonus, but I am mindful of the PPG⁷, which notably advises that it would not be appropriate to make a decision based on the potential for the development to make money for a local authority.
24. Furthermore, it is argued that financial contributions towards affordable housing, but also SANGS and SAMM measures should weigh in favour of the development. However, in the absence of a completed S106 to secure these benefits, I attach little weight to these particular considerations in the overall planning balance.
25. The site lies within relative proximity to a range of shops and services, which might reduce the reliance on private motor vehicles, but this would depend to some extent on the mobility of future occupiers of the development. I also note the sustainability credentials of the appeal development, having particular regard to energy and water efficiency standards. Furthermore, it is argued that the development would make efficient and effective use of a previously developed site. These benefits would attract limited weight in favour of the development, but this would nevertheless be to the detriment of the character and appearance of the area.
26. I appreciate that the operational requirements for this type of development influence to some extent the design and scale of the proposal. And whilst it is noted that suitable sites may be difficult to find for such schemes, this does not provide justification for a development which would cause permanent harm to the character and appearance of this area. This is a matter to which I give substantial weight.
27. In reaching these conclusions, I have had regard to the appeal decision⁸ brought to my attention. Although I understand that the social benefits of that

⁷ Paragraph: 011 Reference ID: 21b-011-20140612.

⁸ APP/G5180/W/16/3155059.

particular scheme were afforded significant weight, I am not certain, on the basis of the information before me, that a direct comparison can be made with the proposal before me which, in any event, I am required to assess on its individual merits.

28. Overall, the identified harm would significantly outweigh the benefits offered by the appeal development. For the reasons detailed above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

S Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Kenneth Brown	Townscape Solutions
Rob Walton QC	Counsel for appellant
Ian Hann	Planning Consultant, the Planning Bureau

FOR THE LOCAL PLANNING AUTHORITY:

Paul Fineberg	Architect, Guildford BC
Michael Parker MRTPI	Principal Planning Officer, Guildford BC
Kate Lines	Planning Policy Officer, Guildford BC
Riaan Van Eeden	Planning Policy Officer, Guildford BC

INTERESTED PERSONS:

Victoria Massey	Local resident
Rossana Perez del Aguila	Local resident

DOCUMENTS

- 1 Draft legal agreement
- 2 Drawing Number PC-01 Rev.B, dated 01.02.2020 (Plot coverage percentages)