



Appeal Decision

Site visit made on 5 February 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/Y3615/W/19/3240673

Land rear of 22-26 Attfield Close, Ash, Guildford, Surrey GU12 6PX

- 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 D Quest of Quest Estates (UK) Ltd against the decision of Guildford Borough Council.
 - The application Ref 19/P/00586, dated 29 March 2019, was refused by notice dated 28 August 2019.
 - The development proposed is to demolish existing garages and two detached properties with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address of the site from the decision notice and appeal form as this more accurately describes the site, rather than the site address on the application form. I am satisfied that no one would be prejudiced in this respect as the site is clear on the plans and in other details.
3. A signed and dated planning agreement, with deed of variation, has been submitted to seek to address the third reason for refusal concerning the additional recreational impact on the Thames Basin Heaths Special Protection Area (TBHSPA). I will return to this matter later.

Main Issues

4. The main issues are:
 - whether the proposal would provide adequate access for emergency vehicles, in particular fire appliances in the event of a fire,
 - the effect of the development on the character and appearance of the area,
 - whether the development would provide satisfactory provision for bin storage and waste collection, and
 - whether the proposal would provide satisfactory living conditions for future occupants of the dwellings, having regard to the pedestrian access through the site.

Reasons

Access for emergency vehicles

5. The proposed dwellings would be accessed off a reasonably long and narrow drive which would include a fairly tight bend about half the distance to the properties from the road. In relation to a previous residential scheme for 4 dwellings on this site the Fire Safety Officer advised that it appeared that access for fire fighting purposes to the proposed buildings would be unsatisfactory and that the provision of a residential fire sprinkler system or water mist system installed to the relevant British Standard, as a compensatory feature, could be considered.
6. The information indicates that the present scheme would incorporate a sprinkler system and in respect of this proposal it appears that there was no further or formal consultation by the Council with the Fire Safety Officer. The appellant therefore argues that there is no substantiated grounds with supporting evidence that should lead to a refusal on fire safety.
7. The Manual for Streets (MfS) provides guidance on the access requirements for emergency vehicles. This includes advice from the Association of Chief Fire Officers that a carriageway width of 3.7m is required for operating space at the scene of a fire and simply to reach a fire the access route could be reduced to 2.75m over short distances, provided the pump appliance can get to within 45m of dwelling entrances. The MfS also advises that the presence of a residential sprinkler system allows a longer response time to be used and, that where a site layout that has been rejected on the grounds of accessibility for fire appliances, it may become acceptable if the buildings are equipped with sprinkler systems.
8. In this case, I have not been presented with clear evidence that the dwellings would be within 45m of the road, that the drive would meet the minimum width requirements or that a fire appliance¹ would be able to negotiate the corner within the driveway. While the sprinkler system would be compensatory it would not, it seems to me, negate the need for fire appliances to access the site in the event of a fire. In the absence of a technical report from an appropriately qualified person and/or clear advice from the Fire Safety Officer that demonstrates that the fire situation posed by the development would be acceptable, I consider that I need to take a precautionary approach. In these circumstances, the location of the dwellings would not meet with the National Planning Policy Framework (the Framework) requirement that decisions should ensure that development create places that are safe.
9. In the light of the above analysis, I conclude that the proposal has not demonstrated that it would provide adequate access for emergency vehicles, in particular fire appliances, and therefore the scheme would not comply with Policy D1 of Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (the Local Plan 2019) and the Framework in this respect.

Character and appearance

10. The site would be accessed through Attfield Close which predominantly consists of semi-detached and terrace properties well-spaced apart and set back from

¹ I have noted the appellant's submission that the vehicle tracking plan shows that an ambulance sized vehicle could negotiate the corner.

the road behind grass verges and gardens. The proposed dwellings would be set back behind existing properties and not seen in the street scene context in the same way as many of the other properties in the road. The character of the site is also influenced by the large Japonica Court building that is located broadly to the east.

11. The dwellings would be acceptably designed, the combined bulk of the buildings would not be at odds with the general form of building groups in Attfield Close and the hipped roofs would provide the appearance of some visual separation between the two buildings. In the context of this position behind the other buildings where there is reasonable space around the site, the plot sizes would be adequate and the separation to other buildings in the area would be acceptable in terms of the general pattern and form of development in the locality.
12. Overall the proposal would accord with the approach in the Framework that seeks the efficient use of land taking into account the desirability of maintaining an area's prevailing character and setting.
13. Accordingly, I conclude that the proposal would have an acceptable impact on the character and appearance of the area and therefore comply with Policy D1 of the Local Plan 2019 and the Framework which seek, amongst other things, in this respect that all new development will be designed to reflect the distinct local character of the area and will respond and reinforce locally distinctive patterns of development.

Bin storage and waste collection

14. The scheme would incorporate a bin store alongside the driveway into the site. This appears reasonable in both size and position to provide a store for waste and recycling that would meet the needs of occupants of the proposed dwellings.
15. In terms of collection, I note that the Council's Refuse and Recycling Officer did not raise objection to the proposal but recommended that a presentation point should be made at the entrance to the site by 20/22 Attfield Close. While a refuse lorry is unlikely to be able to access the site, I have not been presented with a robust argument why it would not be reasonable for residents of the proposed dwellings to position their wheelie bins and/or recycling containers by the road alongside the refuse and recycling of other residents so that the Council can make a collection from Attfield Close. There appears to be areas by the entrance that could be used on such occasions for this purpose, in the same way as other residents in the adjoining properties would put out their waste and recycling when the collection was due.
16. Accordingly, I conclude that the proposal would make satisfactory provision for bin storage and waste collection and therefore would comply with Policy D1 of the Local Plan 2019 in this respect.

Living Conditions

17. There is presently a pedestrian access through the site which leads from Attfield Close to the open land beyond. The scheme would make provision for the continuation of this arrangement which, on the information before me, appears to be a positive feature of the proposal.

18. The pedestrian access would pass along the driveway and between the two dwellings. The rear gardens of the properties could be fenced to maintain privacy and the plans show no side ground floor windows that would face the pedestrian access between the buildings. Future occupants may be aware of the presence from time to time of walkers passing through the site. However, I have found no clear reason to believe that the likely level of footfall and any noise and associated activities from walkers along the path would create such an impact on the living conditions on the future residents that this should be a reason to withhold permission.
19. As a consequence, I conclude that the proposal, with the pedestrian access through the site, would provide satisfactory living conditions for future occupants of the dwellings. The scheme would therefore comply with saved Policy G1(3) of the Guildford Borough Local Plan 2003 and the Framework which seeks, amongst other things, that the amenities of residents are protected from unneighbourly development.

Other Matters

20. The planning agreement, with deed of variation, sets out obligations to pay the costed sum associated with the provision of two dwellings in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy 2009-2016 and thereby mitigate the recreational impacts on the TBHSPA. In all likelihood this would provide the necessary mitigation, however, in the light of my overall conclusion I do not need to consider this matter further.

Planning Balance and Conclusion

21. Two dwellings would be provided in a location with good access to services and facilities and on a windfall site that is previously developed land. There would be economic and social benefits to the area during construction and in subsequent occupation. The proposal would make efficient use of the land with a scheme that would have an acceptable impact on the character and appearance of the area. These benefits would all be supported by the policies of the Framework.
22. There would be visual benefits for those walking through the site with the removal of the garages. The proposal would retain the pedestrian link without adversely affecting the living conditions of future residents and the bin storage and waste collection arrangements would be adequate. I note the comments with regard to local parking issues and access, however, I have found no conclusive reason to believe that the scheme would increase parking or congestion in the wider road given the on-site car parking that would be provided.
23. While the scheme would deliver only 2 dwellings, given all the circumstances outlined above, I attribute the cumulative benefits substantial weight. However, I have also found that the proposal has not satisfactorily demonstrated that the dwellings would be provided with adequate access for emergency vehicles, in particular fire appliances. This is a matter of great significance, and it is such that the weight that I attach to this harm would not be outweighed by the benefits of the scheme.

24. As a consequence, the proposal would not accord with the development plan when considered as a whole. There are no other considerations that outweigh the identified harm and the associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR