



Appeal Decision

Site visit made on 12 February 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2020

Appeal Ref: APP/Y3615/W/19/3241821

81 London Road, Burpham, Guildford GU1 1YT

- 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 Dominic Manser (Godolphin Homes Ltd) against the decision of Guildford Borough Council.
 - The application Ref 19/P/00034, dated 8 January 2019, was refused by notice dated 31 May 2019.
 - The development proposed is demolition of existing dwelling and erection of 3-storey block of 9 flats and 10 car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a completed unilateral undertaking as part of the appeal, which seeks to overcome the fourth reason for refusal on the Council's decision notice in respect of the effect of the proposal on the Thames Basin Heaths Special Protection Area. I return to this matter later in this Decision.
3. The appellant has submitted an Assessment of Significance (the 'AOS') as part of the appeal. As the submitted document does not evolve the scheme, and the nature of the concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I determine the appeal in accordance with this document. For the avoidance of doubt, I have therefore taken into account the AOS in the determination of the appeal.

Main Issues

4. The main issues are (i) the effect of the development upon the character and appearance of the area, including the effect on non-designated heritage assets; and (ii) whether the proposed development would provide adequate off-road parking provision.

Reasons

Character and appearance

5. The appeal property (known as 'Marlyn's Cottage') is a two-storey dwelling, which dates from around 1820. It is proposed to demolish this building and erect a three-storey flatted development of 9 units with off-street parking for 10 vehicles.

6. The surrounding area, including along London Road, has an urban character with a wide variety of property types from differing architectural periods. To the side of the appeal site there is a large three storey block of flats known as 'The Cloisters'. To the rear of the appeal site there is a residential cul-de-sac of two-storey dwellings known as 'The Cedars'. On the opposite side of London Road there are two-storey and three-storey buildings, which includes a local shopping parade.
7. The appeal property was locally listed by the Council in March 2019 and therefore it is a non-designated heritage asset, as defined by the National Planning Policy Framework (the 'Framework').
8. The Council explain that Marlyn's Cottage has special interest due to its age, and its surviving original plan form within its plot; much of which appears intact, and its original materials and details that survive, is characterful within a street that has lost much of its earlier historic open land, buildings and historic character. In addition, they state that the appeal property and Nos 79 and 79a (known as 'Marlyn's House') have group value, as they historically formed part of a single and much wider estate or farm known as Marlyns. Marlyn's House, which is also a locally listed building, is situated to the side of the appeal site and the two buildings are externally connected by a single storey link.
9. The appellant's AOS explains that the architectural style of Marlyn's Cottage is that of a modest, Regency villa of classical design with an Italianate style. However, the property has been altered on several occasions since its original construction. Most notably, front bay windows, a side extension and a rear extension were added to the building in the mid to late 1800's, all of which would have materially altered the fabric and appearance of the original building and likely resulted in the total rebuilding of the front elevation.
10. Whilst I recognise that the historic alterations have undermined the original architectural coherence of the building, the appeal property retains many high-quality historic features, albeit that some are not original but still of a significant age, and it is located within a generous plot behind a large front garden area, which features extensive areas of mature landscaping near to the roadside boundary. Consequently, the appeal property and its spacious setting contributes positively to the character and appearance of the local area.
11. Despite the varied street context and the extent of recent development within close proximity to the appeal site, Marlyn's Cottage and Marlyn's House retain visual connectivity and form a cluster of attractive historic buildings near to the corner of London Road and The Cedars. Whilst the historic rural setting of the buildings has been lost over time by the urbanisation of Burpham, Marlyn's Cottage and Marlyn's House are widely visible from the local street context and contribute positively to the local distinctiveness of the area.
12. The proposal would introduce a large three storey development at the appeal site, which would occupy a significant amount of the plot width and be sited noticeably closer to the side boundary with The Cloisters than the existing dwelling. In addition, the proposal would be sited much further forward to the road frontage than the appeal property. In this context, the proposal would have a cramped appearance when compared to the spacious characteristics of the existing site layout.

13. In addition, the proposed car park would dominate the front of the appeal site and result in the loss of most of the existing mature landscaping, thereby causing unacceptable harm to the character and appearance of the area. Whilst I acknowledge that the front boundary wall would provide a degree of screening of the to the proposed car park, extensive public views of this area would be apparent from London Road due to the open nature of the vehicular access.
14. The appellant argues that forecourt parking is common within the local area and he states that similar arrangements exist at Marlyn's House and The Cloisters. On my site visit, I observed that private roadside parking was provided for the residents of Marlyn's House on The Cedars, whilst the front garden of Marlyn's House featured a pedestrian footpath and mature landscaping.
15. In terms of The Cloisters, whilst extensive forecourt parking is provided for residents, the site is screened by mature trees, shrubs and fences and therefore the parking of vehicles is not conspicuous or dominant when view from the street. Indeed, the appellant's AOS states that '*the view from London Road is of a thick stand of greenery interrupted by a gated entrance with glimpses of the development beyond*'. Therefore, I consider that the parking arrangements of the neighbouring properties are not comparable to the current proposal.
16. In terms of the design of the proposal, despite the use of traditional materials and the inclusion of an external link with Marlyn's House, the block of flats would have a stark and jarring appearance when viewed in the context of Marlyn's House. Indeed, the proposed parapet roof form along with the large flat roof dormer windows on the front elevation would emphasise the bulky form of the proposed development in relative terms, whilst the eaves height of the proposal would be at odds with the neighbouring property which has lower eaves.
17. My attention has been drawn to a planning permission from February 2017¹ which permits the erection of a two-storey side extension, a single-storey rear extension and a single-storey rear infill extension to the appeal property. The appellant contends that the construction of the approved development would result in a building of similar height and bulk when compared to the current proposal.
18. The appellant explains that commencement occurred in December 2019 when foundations were dug, and concrete was laid and therefore he contends that the permission remains extant. However, the Council state that there is no way for them to know whether these foundations are in accordance with the planning application particularly as an application for a certificate of lawful development has not been submitted or approved. Consequently, the position on this matter is unclear, noting also that the standard three-year commencement period has now passed.
19. Notwithstanding the above, the approved development is in any event fundamentally different to the current proposal. The approved development would retain the height of the existing building and does not include second floor accommodation, or large dormer windows. In addition, the approved

¹ Council Ref: 16/P/02555

development would occupy a smaller footprint than the current proposal and retain the existing mature landscaping at the front of the appeal site. Therefore, I have afforded the aforementioned planning permission limited weight in my considerations.

20. Paragraph 197 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
21. For the reasons set out above, the proposed development would cause significant harm to the character and appearance of the area. This harm would arise from (i) the total loss of a non-designated heritage asset; and (ii) the design and appearance of the proposed development. This in turn, would cause significant harm to the setting of Marlyn's House, which is a locally listed building. Accordingly, the proposed development would be harmful to the significance of the non-designated heritage assets.
22. Given the above, I conclude that the proposal would not accord with Policies D1 and D3 of the Guildford Borough Local Plan: Sites and Strategies (April 2019) (the 'LP'), Saved Policies G5 (2), (3), (4), (7) and H4 of the Guildford Borough Local Plan (January 2003) and Policies B-FD1 and B-EN4 of the Burpham Neighbourhood Plan 2015-2035 (April 2016) (the 'NP') which, amongst other things, collectively require new development to be of a high quality design, which responds to the site context and local character; and to sustain and, where appropriate, enhance the special interest, character and significance of the borough's heritage assets and their settings and make a positive contribution to local character and distinctiveness.
23. Accordingly, the proposal would also be inconsistent with paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character. In addition, paragraph 130 of the Framework states that planning permission should be refused for development of poor design.
24. In reaching the above conclusion, I note that the appellant disputes the locally listed status of the building, with the AOS concluding '*that the building is of low significance even when assessed purely in a local context, noting also the minimal contribution of setting*'. Even if the existing building was not worthy of being locally listed and I were to agree with the views of the appellant that the loss of the non-designated heritage asset would be acceptable, the proposed development would still be unacceptable in design terms and would cause significant harm to the setting of Marlyn's House, which is a locally listed building. In other words, the acceptability or otherwise in respect of the loss of the appeal property as a locally listed building is not a determinative issue in terms of the consideration of this appeal.

Parking provision

25. Policy B-T1 of the NP sets minimum parking standards for new development within Burpham. For residential development, the policy sets out that one-bedroom units should be provided with a minimum of one off-road parking space and for two-bedroom units, a minimum of two off-road parking spaces should be provided. In addition to off-road parking for future residents, the

policy states that *'suitable provision must also be made for visitor parking and delivery vehicles to park safely for the duration of their visit'*.

26. The Council explain that to meet the NP's minimum parking standards, the proposed development would need to provide 15 off-road parking spaces for future residents. The proposed development would provide 10 off-road parking spaces for future residents, whilst no dedicated off-street parking would be provided for visitors or delivery vehicles. In addition, no technical information has been submitted to demonstrate that delivery vehicles could enter and exit the site in forward gear. Consequently, the proposed development would not accord with the parking standards set out within Policy B-T1 of the NP.
27. Notwithstanding the conflict with Policy BT-1 of the NP, the appellant argues that the proposed development provides a suitable amount of off-road parking for future residents, which takes account of the site's location within Burpham, which he argues is well served by bus services with good access to Guildford town centre. In addition, he explains that there are a high number of local facilities and services within walking distance of the appeal site.
28. On my site visit, I observed that the site is located in close proximity to a local shopping parade, which offers a variety of services, and a supermarket, all of which are accessible by the existing pavement network. Therefore, I am satisfied that walking to the services and facilities within the local area would be an attractive alternative to the use of the private motor vehicle for many journeys.
29. However, no details have been put forward about the location of the bus stop(s), any bus routes or the frequency of any service. Therefore, based on the evidence before me, I cannot conclude that there are frequent bus services available within the local area which would provide a suitable and alternative means to commute to and from work on a daily basis. Consequently, the uncertainty relating to this matter is such that I am unable to conclude that bus services are available that would provide an attractive alternative to the use of the private motor vehicle for most journeys.
30. My attention has been drawn to an appeal decision² from June 2017, which relates to the proposed redevelopment of Nos 178-184 London Road, Guildford. The proposal sought planning permission for the demolition of the existing buildings and the erection of ten flats. Whilst the appeal was dismissed, the Inspector found that the appeal site's location justified a lower parking provision than the parking standards set out within Policy B-T1 of the NP.
31. In coming to this conclusion, the Inspector noted that the appeal site was sustainably located, being close to Guildford town centre and served by a frequent and regular bus service. However, no plans or supporting information about the proposed development has been submitted and therefore I am unable to assess the relevance of the decision, particularly in relation to the extent of the parking shortfall and the availability of local bus services. As such, I have given limited weight to the appeal decision in my considerations.
32. The supporting text of Policy B-T1 of the NP explains that the parking standards are designed to prevent on-street parking which has proved unsustainable in Burpham due to the narrow lanes and roads and the high level

² Appeal Ref: APP/Y3615/W/16/3162826

- of car ownership. It states that this in turn, can prevent public transport and emergency vehicles entering estates and should be discouraged at the design stage.
33. In the absence of the minimum of 15 off-road parking spaces for future residents, plus parking facilities for visitors and deliveries, it therefore seems likely that vehicles would either become blocked-in, or that there would be displacement of parking on to the highway. On my site visit, I noted that London Road had a cycle lane in both directions, which would prevent on-street parking in this location at any time. In addition, on my site visit I observed that there were very limited, if not any, opportunities for on-street parking at The Cedars due to the narrow road layout and the prevalence of dropped kerbs.
34. London Road is a classified A-road (the A3100), which serves the surrounding urban area. During my site visit, I observed that the road was busy with high volumes of traffic travelling in both directions. Given the limited degree of off-road parking provided as part of the proposed development and lack of on-street parking opportunities at The Cedars, and despite the parking restrictions along London Road, I consider that it is likely some vehicles, in particular delivery vehicles, would pull up on the road, which would unacceptably impede the free flow of traffic and the use of the cycle route on London Road. If overspill parking did not occur on London Road, it is likely that it would occur within the Burpham local area, which already experiences localised issues, as identified within the supporting text of Policy B-T1 of the NP.
35. I recognise that the Local Highway Authority (the 'LHA') do not object to the proposal and that the level of off-street parking provision would accord with the parking standards set out within the Surrey County Council Vehicular and Cycle Parking Guidance (January 2018) (the 'VCPG'). However, the purpose of the VCPG is to provide County wide guidance to several local planning authorities, and unlike the NP, the VCPG does not form part of the development plan.
36. Planning law³, as noted by Paragraph 12 of the Framework, dictates that planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Whilst the VCPG and the LHA's consultation response are material considerations, they do not overcome or outweigh the very weighty conflict with the Policy B-T1 of the NP.
37. In addition to the minimum parking standards, Policy B-T1 of the NP sets out that off-road car parking spaces must be 2.6 metres (width) by 6 metres (length) or 2.6 metres (width) by 7 metres (length), if parallel parked. The policy explains that the spaces should be '*large enough to accommodate the size of modern vehicles*'. In this instance, the parking spaces would measure 2.6 metres (width) by 5.4 metres (length), which would conflict with Policy B-T1 of the NP. However, it is unclear why there is a requirement for the parking spaces to be so long, especially when a 5.4 metres parking space would accommodate most large family vehicles. Indeed, there is tension with other documents, such as the Manual for Streets (2007), which advises that standard parking spaces should measure 2.4 metres (width) by 4.8 metres (length). Whilst the proposal would conflict with the NP car parking size requirements, in this case I have not been provided with any evidence to justify why the proposed car parking spaces would be insufficient to meet day to day needs.

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004

38. In conclusion, for the reasons given above, the proposed development would fail to provide adequate off-road parking provision and consequently unacceptable harm would be caused to the free flow of traffic on London Road. Therefore, the proposal would not accord with Policy B-T1 of the NP or Policy ID3 of the LP, which amongst others states that off-street vehicle parking for new developments should be provided such that the level of any resulting parking on the public highway does not adversely impact road safety or the movement of other road users. Whilst the size of the proposed car parking spaces would be acceptable in this case, this does not overcome my concerns about the failure of the proposal to accord with the minimum on-site car parking number requirements.

Other Matters

39. The appeal site is within the 'zone of influence' of the Thames Basin Heaths Special Protection Area (the 'SPA'). Had the proposal been acceptable in planning terms, it would have been necessary for me to determine the acceptability or otherwise of the appellant's unilateral undertaking and undertake an Appropriate Assessment (AA) as the competent authority. However, regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission.
40. The provision of an additional eight dwellings at the appeal site would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal. Furthermore, I recognise that the proposal would lead to the development of previously developed land as opposed to the Green Belt. However, none of these matters would overcome the very weighty conflict with the identified development plan policies as outlined in the main issues above.
41. The site is near to Nos 200-202 London Road (Known as 'Inn Farmhouse' and 'Lilac Cottage'), both of which are Grade II listed buildings situated on the opposite side of London Road. In determining the application, the Council concluded that the proposal would preserve the setting of the aforementioned listed buildings. Based on my site visit, which also included a consideration of the separation distance between the site and the listed buildings and the layout/scale of the proposed development, I have no reason to disagree with the Council in respect of this matter. However, this is a matter of neutral consequence in the overall planning balance.
42. Reference has been made with regards to the Council's handling of the planning application. However, this is not relevant to the consideration of the appeal.

Conclusion

43. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR