



Appeal Decision

Site visit made on 3 September 2020

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/Y3615/D/20/3251149

31 Millmead Terrace, Guildford, Surrey GU2 4AU.

- 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 Mrs and Mr Mak against the decision of Guildford Borough Council.
 - The application Ref 20/P/00230, dated 4 February 2020, was refused by notice dated 31 March 2020.
 - The development proposed is creation of a retaining wall to front to create driveway and dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal (Ref: APP/Y3615/D/20/3250550) on this site. That appeal, because it is an appeal against conditions on an existing permission is the subject of a separate decision.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the surroundings of Millmead Terrace and the Millmead and Portsmouth Road Conservation Area.

Reasons

Character and Appearance

4. Millmead Terrace is a residential street characterised by 2 storey, semi-detached, traditionally styled cottages with small front gardens enclosed by brick walls on the east side and modern, semi-detached, 2 storey properties on the west side. On the west side, where the appeal site is located, the properties are set above the road level with sloping drives and garden paths with well-landscaped front gardens set at the higher level behind a brick retaining wall to the street. A parking management scheme applies in the street where parking is available to permit holders only between 08.30 and 21.00. Double yellow line restrictions extend across areas of dropped kerbs.
5. A small number of the properties have paths widened to accommodate a vehicle off street as currently permitted at No 31 (ref 19/P/02039) but, in the properties where this is the case, part of the garden has been retained adjacent to the drive and landscaped. Thus, the uniformity of the built form and character of the west side of the street where entranceways are interspersed with gardens and greenery is largely maintained creating an attractive streetscape.

6. The result of the appeal proposal would be to remove entirely the front retaining wall and excavate the front garden to the full width of the plot to accommodate up to two vehicles. This would remove the sense of enclosure along the street and remove garden space and the potential for green landscaping. It would therefore materially alter the character of the street.
7. It has been put to me that the removal of the remaining garden area would be a modest additional change over what is already permitted and the garden itself contributes little to the street scene. However, the extant permission, which at the time of my visit, was still to be implemented in full, would have left around 18m² of garden on the south side of the drive sufficient to be landscaped in an attractive manner and retaining some enclosure to the street. This would be removed completely in the appeal proposal and replaced with a large open expanse of sloping hardstanding across the whole of the front of the property.
8. I saw on my site visit that other properties on the west side of the road are of a similar style and nature to the appeal site and offer the potential for similar widening of paths and drives. Therefore, whilst each application must be treated on its merits, I can appreciate the concern that approval of this proposal could be used in support of similar schemes to the cumulative detriment of the settled character of this part of the Conservation Area.
9. Viewed along the street in either direction the removal of the retaining wall and front garden in its entirety and the insertion of extended hardstanding would be harmful to the significance of this part of the Conservation Area and fail to preserve the established character of the street. Therefore, the proposal would be contrary to Paragraphs 193 and 194 in the *National Planning Policy Framework* (the Framework).
10. I acknowledge that policy D3 of the *Guildford Local Plan Strategy and Sites* (GLPSS) states that the historic environment will be conserved in a manner appropriate to its significance and that it has been put to me that the west side of Millmead Terrace is not as significant as the east side. Nevertheless, as stated above, the largely uniform and rhythmic pattern of drives and pathways and raised front gardens is an essential part of the character of the street and it would be disrupted by this proposal to remove all of the front garden and front retaining wall. In any event policy HE7 of the *Guildford Local Plan 2003* (GLP), which is still operative, requires consideration to be given to retaining features such as walls which contribute to the character of an area.
11. I accept that the harm to the significance of the heritage asset would be less than substantial and, in these circumstances, Paragraph 196 of the Framework states that the harm can be weighed against any public benefit. It has been put to me that the additional off-street parking space that would be achieved is a public benefit by removing parked cars from the street. However, as it would result in the loss of the adjacent on-street parking bay, which currently remains in place, there would be only limited public benefit in terms of easing parking stress in the area. This would be insufficient to outweigh the harm to the significance of the Conservation Area from the proposal.

Other Matters

12. It has been put to me that given permitted development rights there is a fallback position, were the appeal to be dismissed, whereby a broadly similar result could be achieved without the need for planning permission. However, whilst I acknowledge that Class F of Part 1 to Schedule 2 of the *General Permitted*

Development Order does allow for areas of hard standing to be created or replaced this does not override the legislation applying in conservation areas. Planning permission would be required for the demolition of walls over 1 metre in height fronting a highway and therefore the fallback cannot apply.

13. I acknowledge that the proposal would allow the householders to make effective use of the residential plot, an objective supported by the Framework. However, Paragraph 122 of the Framework requires that making efficient use of land must take into account the desirability of maintaining an area's prevailing character and setting, including residential gardens and in this respect the proposal fails.

Conclusion

14. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR