



Appeal Decision

Site visit made on 4 September 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: APP/Y3615/W/20/3252572 16 Waterden Road, Guildford GU1 2AW

- 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 Hay against the decision of Guildford Borough Council.
 - The application Ref 19/P/01670, dated 28 August 2019, was refused by notice dated 13 November 2019.
 - The development proposed is the erection of a pair of four-bedroom semi-detached dwellinghouses and associated works following demolition of the existing garage, on land to the rear of 12-16 Waterden Road, Guildford, accessed from West Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a completed legal agreement 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 aboricultural report and a daylight and sunlight report as part of the appeal. In addition, an amended site plan has been submitted which alters the rear garden layout of the proposal. Furthermore, additional plans have been submitted, which includes a streetscene drawing and a comparison plan showing the proposed development in the context of a previous proposal. As the submitted documents do 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 these documents. For the avoidance of doubt, I have therefore taken into account these documents in the determination of the appeal.

Main Issues

4. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Waterden Road Conservation Area.
 - the effect of the proposal on existing trees.
 - the effect of the development upon the living conditions of the occupiers of Lincoln House, West Road in respect of daylight and sunlight.

Reasons

Waterden Road Conservation Area

5. The appeal site forms part of the rear garden of Nos 12-16 Waterden Road. The site is located within the Waterden Road Conservation Area (the 'CA'). It is proposed to erect a pair of semi-detached dwellings. As part of the proposal, an existing garage within the rear garden of No 16 would be demolished.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The CA is a residential suburb located near to Guildford town centre, which is characterised by large townhouses and villas set within substantial plots that typically date from the Victorian period. Nos 12-16 Waterden Road are large detached townhouses that are set within spacious plots, which is characteristic of other properties on this road.
8. West Road is a short cul-de-sac located off Waterden Road. The road slopes downwards from the junction of Waterden Road and West Road and there are a mix of residential properties from a variety of architectural periods present within the street. However, the consistent use of external brick finishes creates a design balance and symmetry between the properties.
9. Due to the topography of the street, the substantial depth of the existing rear gardens of Nos 12-16 is noticeable from West Road. Given the depth of the rear gardens and the topography of the road, townscape views of the imposing rear elevations of the properties along Waterden Road are readily visible from West Road. These factors contribute positively to the spacious character and appearance of the CA.
10. The proposed development would result in the sub-division of the existing rear gardens of Nos 12-16. However, large rear gardens would remain for the three existing properties. In addition, the proposed dwellings would be cited centrally within the plot, which would create further separation distance between the rear elevations of Nos 12-16 and the side elevation of the development, which would retain a perception of substantial gardens to the rear of Nos 12-16 when viewed from West Road. Moreover, given the separation distance, townscape views of the rear elevations of the properties along Waterden Road would remain from West Road. For these reasons, the proposal would preserve the spacious character of the CA.
11. Further to the above, the layout of the proposed development would respond to the pattern of development on West Road. In particular, the layout of the proposal would be in keeping with the existing properties that are situated immediately opposite the appeal site and contribute to the local distinctiveness of the area.
12. Notwithstanding the above, despite the use of external brickwork and the inclusion of traditional Victorian design features, such as bay windows and chimney stacks, the proposed design incorporates a bulky flat roof that would be out of keeping with the neighbouring properties and the local vernacular, which typically features pitched and hipped roof forms.

13. Given the topography of West Road and the appeal site's location near the bottom of the road, in addition to the height of the proposed dwellings, which would be lower than the neighbouring properties, the flat roof section would be readily visible from the higher section of West Road, in particular when viewed from the opposite side of the road at the junction with Waterden Road. Consequently, the proposal would be an incongruous and prominent form of development, which would cause significant harm to the character and appearance of the area.
14. My attention has been drawn to other flat roof developments within Guildford and Bromley. However, such development is not seen in the context of the appeal site and does not therefore contribute directly to the aforementioned and distinctive characteristics of the local area.
15. For the collective reasons outlined above, the proposed development would neither preserve or enhance the character or appearance of the CA, and, thus, it would be harmful to the significance of the designated heritage asset. Nevertheless, I consider that the harm would be less than substantial and in accordance with paragraph 196 of the National Planning Policy Framework (the 'Framework'), that harm should be weighed against any public benefits of the proposal.
16. The appellant explains that the reinstatement/repair of the existing stone wall at the front of the site and the demolition of the existing garage would provide some visual benefit to the local area. Even if I were to accept that this would be the case, such visual benefits would not outweigh the significant harm to the character and appearance of the CA caused by the proposal.
17. The proposed development would make a positive contribution to the Council's housing land supply and there would be some limited benefits to the construction industry and to the vitality and viability of local services from the spend of future occupiers. However, the social and economic benefits associated with the creation of two additional dwellings would be modest and would not outweigh the harm to the significance of the CA.
18. In conclusion, the proposal would fail to preserve or enhance the significance of the Waterden Road Conservation Area. As such, the proposal would not accord with Policy HE7 of the Guildford Borough Local Plan (the 'LP') and Policy D3 of the Guildford Local Plan: Strategy and Sites 2015-2034, which require development proposals to preserve or enhance the Borough's heritage assets. Accordingly, the proposal would also conflict with Chapter 16 of the Framework.

Effect on existing trees

19. Policy NE5 of the LP states that development will not be permitted if it would damage or destroy trees in a conservation area unless the removal would be in the interests of good arboricultural practice; or the need for the development outweighs the amenity value of the protected trees.
20. There are a number of existing trees situated to the rear and either side of the appeal site, all of which are protected by virtue of their location within the CA and contribute positively to the character and appearance of the area.
21. The appellant asserts that the proposed dwellings would be located outside of the Root Protection Areas of the existing trees and therefore the proposal

would not have an adverse impact upon the health and longevity of the existing trees. He also explains that suitable protection measures would be in place to protect the trees during the construction phase.

22. However, these assertions are based upon the findings of an arboricultural report, which dates from February 2016. Whilst I have no reason to question the accuracy of the report, its findings and recommendations are based on the condition and size of the trees as they existed at the time of the survey.
23. Given that the survey was undertaken over four years ago, it is unclear whether the condition and size of the existing trees, including the Root Protection Areas, has changed since that time. In the absence of any up-to-date technical information, I am unable to assess the extent to which the proposal would impact upon the health and longevity of the existing trees situated near to the appeal site.
24. For this reason, I am unable to conclude that the proposal would have an acceptable effect on existing trees. Consequently, I cannot conclude that the proposal would accord with Policy NE5 of the LP.

Living conditions of neighbouring occupiers

25. Lincoln House is located to the side of the appeal site and is set back a considerable distance from the highway. The front elevation of Lincoln House features windows over three floors. The Council argue that the proposal would result in a material loss of daylight and sunlight to a ground floor window of Lincoln House, which they explain serves as the property's only family room.
26. The appeal is supported by a daylight and sunlight report, which concludes that there would be no material loss of daylight and sunlight for the occupiers of the neighbouring property.
27. However, the technical report relates to an alternative proposal at the appeal site. The appellant explains that the current proposal is smaller than the previous proposal and it is sited further away from the shared boundary with Lincoln House. Whilst this may be the case, I have been provided with a limited amount of information about the previous proposal and therefore I am unable to undertake a meaningful comparison between it and the current proposal.
28. In the absence of such information, or a daylight and sunlight assessment which relates to the current proposal, as opposed to an alternative development, I am unable to come to a conclusive view as to whether or not the proposal would result in a material loss of daylight and sunlight for the occupiers of Lincoln House.
29. In any event, if I were to accept the conclusions of the technical report, this would be a matter of neutral consequence, which would not outweigh the significant harm to the character and appearance of the CA caused by the proposal.
30. For the reasons given, I am unable to conclude that the proposal would have an acceptable effect upon the living conditions of the occupiers of Lincoln House, West Road in respect of daylight and sunlight. Consequently, I cannot conclude that the proposal would accord with Policies H4 and G1(3) of the LP, which requires new development to avoid unacceptable harm to the amenity of occupiers/users of nearby properties.

Other Matters

31. The appeal site is within the 400m–5km buffer zone 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 legal agreement 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.

Conclusion

32. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR