



Appeal Decision

Site visit made on 4 September 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2020

Appeal Ref: APP/Y3615/W/20/3251818

13 Epsom Road, Guildford GU1 3JT

- 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 Yui Wan against the decision of Guildford Borough Council.
 - The application Ref 19/P/02103, dated 5 December 2019, was refused by notice dated 4 February 2020
 - The development proposed is the demolition of the existing single storey extensions and the construction of new part two and part three storey extension to form 1x two bedroom flat and 2x one bedroom flats. The existing ground floor commercial use is to be reduced in size and changed from A3 to A1/A2 use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted an amended plan, which shows the proposed development in the context of a previous proposal at the appeal site. As the submitted plan 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.

Background

3. The appellant contends that the presumption in favour of sustainable development contained in paragraph 11(d) of the National Planning Policy Framework (the 'Framework') should be engaged due to the Council's under delivery of housing.
4. Footnote 7 of the Framework explains that paragraph 11 (d) is triggered in circumstances where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test (the 'HDT') indicates that the delivery of housing has been substantially below the Council's housing requirement over the past three years.
5. The phrase "substantially below" is defined in footnote 7 as "less than 75%" of the housing requirement. However, that 75% figure only applies from November 2020. Transitional provisions set out at paragraph 215 of the Framework make it clear that the applicable figure from November 2019 to November 2020 is 45%. The latest HDT results were published in February

2020 and the measurement for Guildford Borough Council is 83%, which exceeds the 45% threshold set by paragraph 215.

6. In addition, the Council state that they have a housing land supply of approximately 5.9 years. The Council's current housing land supply position has not been disputed by the appellant.
7. For these reasons, the presumption in favour of sustainable development contained in paragraph 11(d) of the Framework is not engaged.

Main Issues

8. 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 development upon the living conditions of the occupiers of No 15 Epsom Road in respect of outlook and daylight and sunlight.

Reasons

Waterden Road Conservation Area

9. The site is within the Waterden Road Conservation Area (the 'CA'). 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.
10. The CA is a residential suburb located near to Guildford town centre that is characterised by large residential properties, which typically date from the Victorian period. The appeal property is a two-storey building situated within an established shopping parade at the corner of Epsom Road and London Road.
11. The traditional design and appearance of the shopping parade and the overall scale of the building, which is located on a prominent corner junction near to Guildford town centre, contributes positively to the character and appearance of the CA.
12. It is proposed to erect a part two and part three storey rear extension and reconfigure the building to provide an A1/A2 use on the ground floor with three flats above. As part of the proposal, an existing single storey rear extension would be demolished.
13. The appellant explains that planning permission was granted in 2006 for a similar development. However, based on the evidence before me, the previous application was significantly smaller than the current proposal. Therefore, I consider that the previous application is materially different to the current proposal. As such, I have afforded the Council's previous decision limited weight.
14. Despite the sympathetic design approach, the overall scale of the proposed extension, in particular the three-storey section of the extension with its dominant gable roof form, would be significant and disproportionate when compared to the proportions of the existing building. Moreover, when viewed from the service yard to the rear of the shopping parade, the proposal would appear as a dominant and incongruous form of development, which would be

- at odds with the scale of the host building and many of the other buildings within the shopping parade. Consequently, the proposed development would cause significant harm to the character and appearance of the area.
15. I recognise that public views of the rear service yard are limited, but this does not outweigh or overcome the harm which I have identified.
 16. The appellant points out that a number of properties within the shopping parade have been extended to the rear. The most recent of the examples is an extension to the rear of 8-10 London Road, which was granted planning permission by the Council in 2018. However, the development at Nos 8-10 is significantly smaller than the current proposal, and, thus it is not comparable to the proposed development.
 17. The Council explain that most of the other extensions to the rear of the shopping parade are historic and predate the designation of the CA, the development plan and the Framework, where different policies and material considerations applied. This has not been disputed by the appellant. As such, I have afforded the presence of other significant extensions to the rear of the shopping parade limited weight. In any event, such developments do not provide justification to allow further harm to the significance of the CA, which would result from the appeal proposal.
 18. The Council have raised concerns about the acceptability of the proposed roof lights to the front of the host building and a Juliette balcony at the rear within the proposed extension. On my site visit, I observed that there was a wide variety of fenestration present within the existing extensions to the rear of the shopping parade. Moreover, the side facing elevation of the existing shopping parade had existing roof lights, which are visible from London Road. For these reasons, I find that this aspect of the development would not harm the character and appearance of the area. Despite this, the harm identified above is sufficient to justify dismissing the appeal.
 19. For the collective reasons outlined above, I conclude that 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 Framework that harm should be weighed against any public benefits of the proposal.
 20. The proposed development would provide open market housing in a town centre location where there is likely to be a high level of demand for additional accommodation. Moreover, there would be some limited benefits to the construction industry and local services from the spend of future occupiers. However, given the quantum of development such benefits would be modest and would not outweigh the harm to the significance of the CA.
 21. 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 Policies H4, G5 and HE7 of the Guildford Borough Local Plan (the 'LP') and Policy D1 of the Guildford Borough Council Local Plan: Strategy and Sites 2015-2034, which require development proposals to be of a high standard of design, which responds to the distinctive local character of the area; and to preserve or enhance the character or appearance of the Borough's conservation areas.

Living conditions of neighbouring occupiers

22. No 15 Epsom Road is located to the side of the appeal property within the shopping parade and contains a first floor flat which has first floor windows at the rear overlooking the existing service yard.
23. Given the scale and siting of the proposed extension, which would protrude a significant distance beyond the rear elevation of the existing building, I consider that the development would have a dominating effect when viewed by the neighbouring occupiers from the rearward facing windows. Consequently, the development would have an oppressive and overbearing impact upon the outlook of the occupiers of No 15 Epsom Road.
24. In addition to the above, due to the overall scale of the proposed extension and its close proximity to the boundary with No 15, and, owing to the location of the proposal to the west of the neighbouring dwelling, the development would cause overshadowing thereby resulting in a material loss of daylight and sunlight to the rear facing windows of No 15, especially during the afternoon.
25. The roof slope of No 15 contains a rear dormer window, which the Council content serves a second floor flat within the property. This is disputed by the appellant who explains that the dormer window acts to provide additional light into the first floor below via a glazed panel in the ceiling. Even if I were to accept the appellant's assessment, given my findings above, this is not a determinative point on which the appeal turns.
26. For the reasons given, the proposal would cause significant harm to the living conditions of the neighbouring occupiers of No 15 Epsom Road in respect of outlook and daylight and sunlight. As such, the proposal does not accord with Policies H4 and G1(3) of the LP, which amongst other things, requires development to avoid unacceptable harm to the amenity of the occupants of neighbouring properties.

Other Matters

27. 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 undertake an Appropriate Assessment as the competent authority. Nevertheless, as I have concluded that the proposed development would conflict with other development plan policies, and, given my decision to dismiss this appeal, it has not been necessary for me to consider this matter any further.

Conclusion

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

Christopher Miell

INSPECTOR