
Appeal Decision

Site visit made on 6 October 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/Y3615/W/19/3243029

2 Willow Way, Guildford GU1 1PF

- 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 Andrew Gay against the decision of Guildford Borough Council.
 - The application Ref 18/P/02406, dated 18 December 2018, was refused by notice dated 25 June 2019.
 - The development proposed is change of use of premises from house in multiple occupation (use class C4) to a large house in multiple occupancy accommodating up to 7 people (use class Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice and the appellant's appeal form because it is more concise than that shown on the planning application form. I have, however, omitted the word 'retrospective' because this does not describe development as set out in Section 55 of the Town and Country Planning Act 1990.
3. I have determined the appeal on the basis of the change of use that has already been carried out.

Main Issues

4. The main issues are the effect of the development on (i) the Thames Basin Heaths Special Protection Area; and (ii) highway safety.

Reasons

Thames Basin Heaths Special Protection Area

5. The appeal site lies within a buffer zone, between 400 metres and 5 kilometres of the Thames Basin Heaths Special Protection Area (the SPA), which is an internationally designated site of nature conservation importance. It provides a habitat supporting breeding populations of three protected bird species: Nightjar, Woodlark and Dartford Warbler.
6. The use as an HMO for 7 unrelated occupants increases the population living at the property when compared to the pre-existing situation and so it is highly likely that there would be additional recreational activity within the 5km buffer

zone of the SPA. Whilst the increase in population at the appeal site is marginal, taking a precautionary approach I consider that as the proposal is not directly connected with or necessary for the management of the SPA, it would, either alone or in combination with other projects, be likely to have a significant effect on the SPA. In these circumstances, the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that an Appropriate Assessment is carried out.

7. With regard to the above, the SPA supports populations of internationally important bird species, which are susceptible to predation and disturbance. The development results in an increase in population within the buffer zone of the SPA and the additional resident would present an increased risk of harm and disturbance to its qualifying features. This would be through the potential for additional visitor pressure and recreational activities undertaken at the SPA. Whilst the development is small scale on its own, without mitigation it would present a likely significant effect on the integrity of the SPA when combined with other projects within the buffer zone of the SPA.
8. The Guildford Borough Council Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 (the Avoidance Strategy) is in place to provide the possibility of opportunities to avoid or mitigate the adverse effects. This is through the provision of alternative recreational space to attract and divert people away from the SPA, together with access management measures within the SPA. In that respect, the Avoidance Strategy has the potential to demonstrate adequate avoidance or mitigation of significant adverse effects due to recreational pressure on the SPA. To achieve such avoidance and mitigation it seeks financial contributions from development to contribute towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
9. There is no mechanism before me to provide a financial contribution towards the avoidance and mitigation measures set out in the Avoidance Strategy. Furthermore, there are no alternative solutions before me which would have a lesser effect, or avoid an adverse effect, on the integrity of the SPA. The provision of an additional bedroom is not sufficient to amount to a reason of overriding public interest to override the harm to the site.
10. Therefore, the development has a significant adverse effect on the SPA, contrary to saved Policy NE4 of the Guildford Borough Local Plan 2003, Policies P5 and ID4 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (the Local Plan 2015 – 2034) and saved Policy NRM6 of the South East Plan. These policies require new residential development to provide appropriate mitigation for impacts on the SPA and to protect and enhance biodiversity.

Highway Safety

11. The appeal property is served by an existing vehicular crossover that intersects a grass verge and provides access to a block paved driveway which wraps around the front and side of the building. The driveway expands the full width of the plot and it has an open frontage.
12. I have had regard to the objection from the Highway Authority. This states that when the parking area is full, a vehicle parked on the far left of the site would need to reverse out over part of the grass verge, which could lead to conditions prejudicial to highway safety. Nevertheless, it appears that the crossover and

driveway were in place long before the change of use of the property to a larger HMO. The appeal scheme proposes no changes to the extent of the on-site parking area and I do not consider that the provision of one additional bedroom causes a material increase in parking demand or intensification of the use of the access.

13. Furthermore, most properties in the immediate vicinity of the appeal site are served by on-site parking spaces and there does not appear to be high demand for on-street parking in the area. There are no on-street parking restrictions in Willow Way, which provides alternative parking for occupiers of the HMO. In these circumstances, it is unlikely that occupiers of the HMO would park vehicles on the driveway in a manner that would prevent other vehicles using the crossover.
14. For the above reasons, I conclude that the development is not harmful to highway safety. It therefore accords with Policy ID3 of the Local Plan 2015 – 2034, which, amongst other things, states that off-street parking for new development 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. It would also comply with paragraph 109 of the National Planning Policy Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR