
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: 20 October 2020

Appeal Ref: APP/Y3615/W/20/3245016

1 and 2 Send Parade Close, Send GU23 7EY

- 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 M Hackett (MJ Props Ltd) against the decision of Guildford Borough Council.
 - The application Ref 19/P/01648, dated 19 September 2019, was refused by notice dated 3 December 2019.
 - The development proposed is construction of 6 dwellings following demolition of Nos 1 and 2 Send Parade Close.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area; (ii) trees; and (iii) the living conditions of future occupiers, with particular regard to outlook and overshadowing.

Reasons

Character and appearance

3. The appeal site is located to the rear of Send Parade Local Shopping Centre. It comprises a pair of semi-detached bungalows and includes servicing for the shops. There are bungalows and 2 storey dwellings in the vicinity, which display varying architectural styles. They are generally set back from the road and have gardens set to the rear. The area has a spacious character as a result of the soft landscaping in the public realm and the gaps between buildings which provide views of mature trees beyond. The mature trees adjacent to the boundaries of the appeal site contribute to the verdant feel of the area.
4. The 2 storey scale of the proposal would be compatible with surrounding buildings, and the architectural detailing would provide an acceptable appearance. Nevertheless, the footprint of the building, combined with the access road and parking areas, would cover a significant proportion of the site, which would limit the opportunities for soft landscaping. The public realm would be dominated by the access road, servicing and parking areas, which would not provide a high quality environment. Furthermore, the rear gardens of the proposed dwellings would be small compared to the typical sizes in the vicinity of the site. There would be a communal area, however this would not provide an attractive space as a result of its position adjacent to a parking area and the

rear fence of the private gardens. Taken together, these factors are indicative of a cramped development that would not respect the green and spacious character of the area. I appreciate that there would be limited views of the proposal in the street scene, however this does not obviate the need to achieve good design.

5. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would therefore be contrary to saved Policies G5 and H4 of the Guildford Local Plan 2003 and Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (the Local Plan 2015 – 2034). These policies state that all new development will be required to achieve high quality design that responds to distinctive local character of the area (including landscape character) in which it is set. It would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) which states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
6. The Council has referred to Policy H1 of the Local Plan 2015 - 2034, however I do not consider that this policy is relevant to the first main issue because it relates to housing mix and standards.

Effect on trees

7. The appellant has submitted an arboricultural report¹ which provides a survey of nearby trees. It identifies 1no A Grade tree (high quality); 4no B Grade trees (moderate quality); and 14no C Grade trees (low quality) adjacent to the site boundary. These are mature trees that contribute positively to the visual amenity of the area.
8. The proposed parking spaces and access road would be within the Root Protection Zones (the RPZ) of trees. Furthermore, the proposed building would be located close to the RPZ of trees, including the A Grade oak tree. The arboricultural report is a survey rather than an arboricultural impact assessment and so it does not assess the effect of the proposal on the trees or provide details of any necessary tree protection measures. In the absence of such information, the proposal could cause harm to the health of the trees.
9. For these reasons, I conclude that the proposed development would harm the amenity value of the mature trees. The proposal would therefore be contrary to saved Policy G1 (12) of the Guildford Local Plan 2003, which seeks to safeguard and enhance the characteristic landscape of the locality and existing natural features on the site, such as trees which are worthy of protection. The proposal would also conflict with the Framework, which states that planning decisions should contribute to and enhance the natural and local environment.

Living conditions

10. Whilst there are mature trees adjacent to the rear boundary, the canopies overhang the appeal site only to a limited degree. Given the level of separation to the trees, the rear gardens and habitable rooms of the proposed dwellings would benefit from adequate levels of light and outlook.

¹ Arboricultural Report carried out by DRYAD tree specialists Ref No D2578.TS dated 23 October 2018

11. I therefore conclude that the proposed development would provide acceptable living conditions for future occupiers. Policy D1 of the Local Plan 2015 – 2034 does not specifically refer to living conditions, nevertheless the proposal would comply with paragraph 127 of the Framework, which, amongst other things, seeks a high standard of amenity for future users.

Other Matters

12. 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 a European site subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). It provides a habitat supporting breeding populations of three protected bird species: Nightjar, Woodlark and Dartford Warbler.
13. Regulation 63(1) of the Habitat Regulations indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.
14. The appellant refers to a previous application for Permission in Principle (PiP), which was refused by the Council in 2019 on the grounds of the effect of the proposal on the SPA. The appellant indicates that no concerns were raised with respect to the quantum of development in that application and so this represents a material planning consideration.
15. Nevertheless, the PiP consent route has two stages. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development. Assessment of the technical details, including layout, is carried out at stage 2. The PiP application considered by the Council related to stage 1 rather than the technical details and so this carries minimal weight with respect to the main issues of the current appeal. In any event, the PiP application was refused by the Council and so there is no fall-back position before me.

Conclusion

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

C Osgathorp

INSPECTOR