
Appeal Decision

Site visit made on 13 October 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2020

Appeal Ref: APP/Y3615/W/20/3251485

Bramcombe, Flexford Road, Normandy, Guildford, Surrey GU3 2EF

- 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 Ian Milne against the decision of Guildford Borough Council.
 - The application Ref 19/P/01868, dated 25 October 2019, was refused by notice dated 29 January 2020.
 - The development proposed is erection of two dwellings and associated works following demolition of existing outbuildings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two dwellings and associated works following demolition of existing outbuildings, on land at Bramcombe, Flexford Road, Normandy, Guildford, Surrey GU3 2EF, in accordance with the application, Ref 19/P/01868, dated 25 October 2019 and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. For the purposes of clarity, I have used the description of development as it appears on the decision notice, as opposed to the application form.
3. The appellant has included revised plans and information as part of their appeal. Whilst not before the Council at the time of their decision, they were submitted at the outset of the appeal, therefore parties have had the opportunity to comment. Furthermore, local residents were also made directly aware of the revised proposals and invited to submit any further comments.
4. Having reviewed the original proposal and the revised plans, I do not consider that the main elements of the scheme have materially altered from that originally submitted and upon which consultation took place. Against this backdrop, I consider that no-one would be prejudiced if I were to consider the revisions as part of the appeal, taking account of the principles established in the Wheatcroft case. Therefore, I have determined the appeal on this basis.
5. The Council have reviewed and considered this additional information and concluded that, subject to conditions, they now have no objection in relation to the noise impact of the proposals, as outlined in reason for refusal 2. They have however confirmed that other matters raised in reason for refusal 2 remain. I have therefore dealt with the appeal on this basis.

Main Issues

6. The main issues in this appeal are:

- The effect of the proposal upon the character and appearance of the area;
- The effect of the proposal upon the living conditions of future occupiers and those of 1 and 2 Laureldene, with particular regards to overlooking and overbearing; and
- The effect of the proposed development upon the integrity of the Thames Basin Heath Special Protection Area (SPA).

Reasons

Character and appearance

7. The appeal site comprises the substantial rear garden of a large detached, two storey property. The site is generally open, with the exception of a number of single storey residential outbuildings.
8. Surrounding developments comprise a mix of single and one and a half storey dwellings. Buildings are generally detached properties, sitting within relatively generous, linear plots, with reasonable spaces between the dwellings. Boundaries are often identified by well-established landscaping. In the immediate area, development generally faces onto the surrounding main estate roads. An exception to this is Laureldene, which is a development of four bungalows, adjacent to the east of the appeal site, located to the rear of the houses on Flexford Road.
9. The proposed dwellings would sit within their own plots, the size of which would be comparable to surrounding development. The plot size of the host dwelling, whilst considerably reduced from its existing size, would also be in keeping with those around it. The footprints of the proposed dwellings would be generally similar to those of the surrounding. Furthermore, existing boundary treatments would be retained and supplemented through additional planting, which would maintain the verdant character of the area. The layout of the proposed dwellings would ensure that the proposal respects the overall grain of surrounding development and would therefore, not represent a cramped or overly contrived form of development. In this respect, the proposal would not be out of keeping with the general pattern of surrounding development.
10. In comparison to the host building and those around it, the proposed dwellings would be positioned at an angle within their plots. In this regard, the orientation of the dwellings would be at odds with the layout of the general pattern of surrounding development. However, due to their position at the rear of Bramcombe and the screening provided by other existing properties and surrounding landscaping, with the exception of limited views along the new access road, the dwellings would not be readily visible when viewed from surrounding public viewpoints. Therefore, in the context of the location and nature of the site and the presence of surrounding development, on its own, this would not amount to a justifiable reason to withhold planning permission.
11. The front gardens of the properties along Flexford Road are generally wide and relatively open, often with well-established boundary landscaping. Each dwelling has its own individual driveway, with parking and turning provided on site. The access to the appeal site would be via a relatively long and, in places,

narrow road, which would run between the host property and Little Orchard. New Landscape planting would be provided along either side, which would soften its impact, which in turn, once fully established, would serve to maintain and reinforce the verdant character along Flexford Road. The provision of such landscaping can be delivered through a planning condition. Whilst the introduction of the access would create a new feature that would be visible within the street scene, due to the design approach and the proposed landscaping, it would maintain the open aspect across the front, and therefore would not significantly effect the character and appearance of the area.

12. In support of their cases, reference has been made by both parties to a number of other developments in the surrounding area, where access is provided to backland development. Having reviewed these, I consider that each one represents a different access solution to the development in question and therefore none are directly comparable to this case. Even if they were, I have not been provided with the full details around each case and, in any event, I have assessed the proposal on its own merits.
13. For the above reasons, I therefore conclude that the proposed development would not significantly effect the character and appearance of the area, and in this respect, is in accordance with Policy G5 of the Local Plan 2003, Policy D1 of the adopted Local Plan 2019, and the National Planning Policy Framework (the Framework).

Living conditions

14. Nos 1 and 2 Laureldene are detached bungalows, which sit within relatively large plots. Due to the position of the proposed dwellings within their plots, and the size of the gardens of these neighbouring properties, the proposed dwellings would be in excess of 20m away from the nearby existing buildings. Given this distance, and despite the proposed properties being taller than the neighbouring dwellings, the proposal would not result in any significant overbearing effect upon surrounding residential properties.
15. The proposed buildings would be located sufficient distance away from neighbouring dwellings to ensure that there would be no adverse loss of light to neighbouring properties. In terms of privacy, due to the orientation of the proposed dwellings and the positioning of the first floor windows, there would be little direct overlooking of the adjoining neighbouring properties. Furthermore, existing boundary landscaping would be retained, which would provide further screening.
16. With regards to noise from additional traffic movements, information has been provided by the appellant in the form of a noise assessment and a revised plan showing the provision of an acoustic fence along a portion of the western boundary. As a result, the Council now consider that noise no longer forms part of their reason for refusal. Having reviewed this additional information, I see no reason to disagree with this position. The delivery of appropriate acoustic mitigation can be controlled via a planning condition.
17. Turning to the living conditions of future residents, due to the position of the dwellings on the site, the rear of Plot 1 would face towards the front elevation of Plot 2. However, the properties are positioned at angles within their plots and are off set, so as not to be directly facing each other, with a distance of about 19m between them. As a result, it is considered that the relationship

between the proposed properties would not result in any material impact upon the living conditions of future residents.

18. For the above reasons, I therefore conclude that the proposed development would not materially effect the living conditions of surrounding or future residents and, in this regard, accords with Saved Policy G1(3) of the Guildford Borough Local Plan 2003 and the Framework.

SPA

19. The SPA is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The appeal site is not within the SPA, however given its proximity, the main parties agree that the proposed development would be likely to have significant effects on the features of interest of the SPA, due to the increased recreational use arising from the appeal development in combination with other development. I have found no reason to disagree. In these circumstances, the Habitats Regulations require that an Appropriate Assessment is carried out.
20. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the SPA. Due to the nature of the proposed development and the constraints of the appeal site, there appears to be no scope for the provision for on-site mitigation. To mitigate the impact of the scheme upon the SPA, the appellant has confirmed measures in the form of the provision of a financial contribution to the Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) project.
21. The delivery of these mitigation measures requires the completion of a S106 Agreement. A completed S106 Agreement has been provided to this effect and it accords with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. Therefore, with such a mechanism in place I am satisfied that the scheme would deliver adequate measures to avoid or mitigate potential adverse effects on the integrity of the SPA.
22. For these reasons, the proposed development would not harm the integrity of the SPA and, in this respect is in accordance with Policy P5 of the Guildford Borough Council Local Plan Strategy and Sites 2015 - 2034 and Saved Policy NRM6 of the South East Plan and the Framework. These Policies, amongst other things seek to ensure development respects the integrity of the SPA and that appropriate mitigation measures are delivered.

Other Matters

23. Due to the intervening distances achieved, the proposal would not result in any significant loss of privacy for the occupants of neighbouring houses. Whilst the proposal would be likely to increase the level of activity on the site, this would not increase to such a level that it would generate significant additional noise or disturbance to nearby residents, to justify withholding planning permission on this ground alone.
24. Concerns have been raised that a grant of planning permission would set a precedent for other similar developments. However, no directly comparable sites to which this might apply have been put forward. In any event, each application and appeal must be determined on its individual merits, and a

generalised concern of this nature does not justify withholding permission in this case.

25. Concerns have also been raised with regards to the potential for noise during construction and the effect of construction vehicles on surrounding roads. I acknowledge that construction would cause some disruption, but this would be temporary and could be mitigated by a Construction Method Statement.
26. I note the comments raised in relation to drainage and biodiversity. However, there is no substantive evidence that there would be any adverse effect on wildlife or drainage within the area as a result of the proposal.
27. Whilst the removal of existing trees from the site is regrettable, I note that the Council's tree officer was consulted and did not raise any objection to the proposal. Furthermore, the proposed development would involve the provision of replacement trees and the requirement for these can be controlled by the imposition of a planning condition.
28. I acknowledge the concerns raised by local residents in relation to highway issues, however I have no technical evidence to substantiate this and there is no evidence that highway safety would be compromised. Furthermore, I note that the Council's Highway Officer did not object to the proposals and the Council did not conclude that they would amount to reasons to justify withholding planning permission. Therefore, I find that the development would not materially harm highway safety.

Conditions

29. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. This will also ensure that the proposed acoustic fence is delivered.
30. To protect the character and appearance of the area, a condition is necessary with regards to the provision of external materials and the submission of a landscaping scheme.
31. To protect the living conditions of local residents and to ensure that the proposal would not have any unacceptable impacts upon highway safety, it is necessary to attach a condition requiring the submission of a Construction Method Statement.
32. To encourage the use of alternative modes of travel, it is necessary to require the submission of details of the proposed secured covered cycle storage.
33. To protect highway safety, it is appropriate to attach a condition to ensure the proposed vehicle turning area is provided, prior to the occupation of the dwellings.
34. In the interest of sustainable development it is necessary to require that each dwelling is provided with an electric vehicle charging point.

Conclusion

35. For the above reasons, I conclude that the appeal should be allowed, subject to the conditions set out in the Schedule below.

Adrian Hunter

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Survey 01A; Garage Plan and Elevations P1563/GAR/01; Proposed Elevations P1563/02 Rev A; Proposed Floor & Roof Plans P1563/01 Rev A and additional information received on 25/10/19; Proposed Floor & Roof Plans P1563/03; Proposed Elevations P1563/04 received on 04/11/2019; Refuse Vehicle Swept Path Analysis 19-351/001 Rev B; Fire Tender Swept Path Analysis 19-351/002 Rev B; Car Swept Path Analysis 19-351/003 Rev C; Proposed Layout and Location Plan P1563.101 Rev J; Proposed Block Plan P1563.104; Proposed Refuse Layout P1563.106 Rev A; Ridge Level Comparison Plan P1563.110 Rev A; Site Section Plan P1563.111 Rev B; Enclosure Layout P1563.107 Rev A received on 03/12/2019.
3. No development shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
4. No vehicle shall access the site unless and until the proposed vehicular access to Flexford Road hereby approved has been constructed and provided with visibility zones in accordance with the approved plans, Drawing No. P1563.101 Rev J, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1m high.
5. The development hereby approved shall not be occupied unless and until the proposed dwelling are provided with a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 connector -230v AC 32Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. P1563.101 Rev J, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
7. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles within the development site, have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
8. Prior to the first occupation of development, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This

shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 20 per cent reduction in carbon emissions against the TER or predicted energy usage shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.

9. The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.
10. The development hereby approved shall not be first occupied until details of all boundary treatment, including detail of the proposed acoustic fence, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall be maintained in perpetuity.
11. No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) The site access point(s) of all vehicles to the site during the construction phase.
 - b) The parking of vehicles of site operatives and visitors.
 - c) The areas for loading and unloading plant and materials.
 - d) Storage areas of plant and materials used in constructing the development.
 - e) The erection and maintenance of securing hoarding, if appropriate.
 - f) Wheel washing facilities.
 - g) Measures to control the emission of dust and dirt during construction.
 - h) No burning on site during construction or site preparation works.
 - i) Measures to minimise noise nuisance to neighbours from plant and machinery.
 - j) Construction working and deliveries to only take place between 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
 - k) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.