



Appeal Decision

Site visit made on 25 January 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/Y3615/W/21/3276401

41 Down Road, GUILDFORD, GU1 2PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Felix Walker against the decision of Guildford Borough Council.
 - The application Ref 20/P/01755, dated 13 October 2020, was refused by notice dated 5 March 2021.
 - The application sought planning permission for change of use of existing building (unoccupied school – use class D1) to two x two-bed and one x three-bed flats (use class C3). One new two storey detached dwelling and provision of seven off street parking spaces, cycle and recycling storage; dropped kerb for access, landscaping and associated works without complying with a condition attached to planning permission Ref 16/P/02402, dated 15 November 2017.
 - The condition in dispute is No. 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 167(P)001/D, 002/D, 010/D, 011/D, 015/D, 016/D, 022/2, 027/2, 029/2, 031/2 received on 30 November 2016 and amended plans: 167(P)025/3, 026/3, 030/3, 032/3, 003/1, 020/4, 021/4 received on 20 December 2016.
 - The reason given for the condition is: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). I am satisfied that the changes are not significant in relation to the main issues of the appeal, and do not therefore consider it necessary to invite further comments from the parties on this matter.
3. The parking area at the rear of the plot has already been laid out with six spaces, which does not accord with the seven spaces shown on the approved plan. The proposal seeks to retain the existing layout by varying the approved plans condition.

Main Issue

4. Whether the provision of six car parking spaces rather than seven spaces as approved is sufficient, with regard to local and national planning policy and guidance.

Reasons

5. The Council's Vehicle Parking Standards Supplementary Planning Document 2006 (SPD) establishes that seven parking spaces should be provided for the development. The SPD advises that for schemes below 15 dwellings the standard is advisory and that it provides maximum figures. It also advises that in appropriate circumstances a lower provision may be acceptable as long as it can be demonstrated that there would be no adverse impacts on the area.
6. Policy ID3 of the Guildford Borough Local Plan 2015-2034 (LP) establishes, amongst other things, that off-street parking 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.
7. Any overspill parking from the development would be accommodated by nearby on street parking. Resident parking for Down Road is primarily on street.
8. The appeal site is located in an area with good access to local bus services that connect to large urban centres, and is within walking distance of a local centre. It is therefore possible that the day to day needs of residents of the development could be met without relying on a private car. However, evidence before me suggests that at least six spaces are necessary based on local car ownership taken from the 2011 census, suggesting that the appeal site is not so well located that not owning a car is a choice that many in the area make.
9. I have reviewed the written representations by Evoke Transport Planning Consultants submitted with the appeal. This concludes that the study area was subject to a parking stress of 71-72% at the time of survey. I note that this was an average figure taken over the study area. Accepting this average figure over the study area would rely on residents moving from the roads to the east to Down Road through the unlit and narrow footpath. This path passes through gaps between buildings and does not benefit from natural surveillance or clear sight lines. I am therefore not satisfied that it is reasonable to expect residents at Down Road to rely on this footpath to access a car parked on Daryngton Drive or beyond. Thus, the figure for parking stress for Down Road is more relevant than the average level over the study area, which was higher at 76-79%.
10. This figure is lower than the evidence provided by a local resident, and the strong local opinion by a number of local residents that parking availability in the area is extremely poor. I accept that the resident's data is not independent, and there is no evidence that it was carried out with reference to a recognised methodology. However, residents who live on the affected road and use it for parking on a day-to-day basis are well placed to provide comments on this matter, and I am therefore of the view that these local views should carry significant weight.
11. Furthermore, I note that the appellant's parking survey was undertaken at a time when England was still subject to significant restrictions on movement as a result of the Covid-19 pandemic. This cannot be considered a neutral time to undertake such a survey, which reduces the weight I should give to its findings.

12. The site was previously used as a school and had no parking. It is likely that this use would have generated considerable traffic at the beginning and end of the school day. However, the parking demand for six dwellings is quite different. Dwellings create a much more significant demand for parking overnight, which would have been very low when the site was used as a school, and is the time that local residents report that parking availability is very limited.
13. The appellant refers to the Surrey County Council Parking Guidance. It is suggested that six spaces for the development accords with this guidance. However, I have not been provided with a copy of this document, so I am unable to review its contents, and it is not clear what status it has in the context of the Council's own development plan. Accordingly, I give this matter little weight.
14. A comparison between the plans shows that there was no apparent reason for losing the previously approved parking space. Bin storage and bicycle storage was previously provided. This is therefore not a matter that could weigh in favour of the proposal.
15. Therefore, in weighing these matters together, I am not satisfied that it can be demonstrated that a lower provision than that set out within the SPD is appropriate in this case, given the evidence before me of the extremely poor availability of parking in the area. I note that the Council expresses a particular concern about the under provision of parking in small scale schemes. In this case the under provision is likely to result in the need to accommodate an additional parked car on the road, which further exacerbates the existing situation and harms the existing residential environment. With reference to paragraph 111 of the Framework, the residual cumulative impact on the road network is severe, arising from the extremely poor availability of on street parking which has been amplified by the proposal.
16. In summary, the provision of six car parking spaces is not sufficient. It would not accord with the parking standards set out in the SPD, and would be contrary to Policy ID3 of the LP, which seeks to ensure amongst other things that the level of any resulting parking on the public highway does not adversely impact the movement of other road users.

Other Matters

17. Evidence before me to suggest that the reduction in spaces has had a harmful impact on highway safety is limited. However, this is a separate matter that is not referred to in the Council's refusal reason. I am satisfied that this should not form a main issue of the appeal and that it does not outweigh my findings regarding the impact of less spaces on the nearby residential environment.
18. The appeal site is within 5km of the Thames Basin Heaths Special Protection Area (SPA). In the event that the appeal is allowed a new planning permission for the whole development would be created, which includes residential dwellings. The addition of residential dwellings within this area would be likely to have a significant effect on the internationally important interests and features of the SPA. The appellant has agreed to enter into a legal agreement to vary the original agreement to accommodate an increased financial contribution towards mitigation measures. However, as I am dismissing the

appeal for other reasons a new permission would not be created, and this matter does not therefore need to be considered further.

Conclusion

19. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR