
Appeal Decision

Site visit made on 2 August 2022

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 5 August 2022

Appeal Ref: APP/Y3615/W/21/3283269

6/6A Fir Tree Road, Guildford, Surrey GU1 1JJ

- 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 Mrs Julie White against the decision of Guildford Borough Council.
 - The application Ref 21/P/01379, dated 21 June 2021, was refused by notice dated 1 September 2021.
 - The development proposed is separation of existing dwelling (No. 6) to form two separate dwellings (No 6 and No 6A).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not satisfactory living conditions would be provided for future occupiers taking particular account of the provision of internal living space.

Reasons

3. The "Technical housing standards – nationally described space standard" (the NDSS) sets minimum sizes to ensure satisfactory living conditions for occupiers. One of the dwellings which would be created by the proposed subdivision would have two rooms plus a bathroom at first floor level with other living accommodation on the ground floor. One of the first floor rooms would be slightly below the size indicated for a bedroom in the NDSS.
4. This small room is described as "office" on the floor plan. However, it could easily be used as a bedroom. If this were to be the case there would be a significant shortfall against the overall internal floor space for a two bedroom, two storey dwelling set out in the NDSS. I have considered whether a condition could be imposed that would restrict its use to an office but enforcing such a condition would be intrusive and difficult. Such a condition would therefore fail the enforceability test set out in the National Planning Policy Framework (the Framework).
5. Accordingly I conclude one of the proposed dwellings would not provide satisfactory living conditions for future occupiers. Accordingly the proposal would conflict with Policies H1(3) and D1 of the Guildford Borough Local Plan: Strategy and Sites 2019 (the LP) and Paragraph 130(f) of the Framework. Together these seek high quality design; a high standard of amenity for

existing and future users; and require all new residential development to conform to the NDSS.

Other Matters

6. I have seen no substantive evidence to indicate a lack of demand for a five bedroom house for a family, particularly given the trend/encouragement for working from home. Nor is there any substantive evidence that there is no need for student/other multiple occupation, notwithstanding the Covid 19 Pandemic, given that purpose built student accommodation is expected to only provide some 55% of such accommodation needed.
7. I acknowledge the personal preferences of a family member but this in itself is not sufficient to justify an otherwise unacceptable development. The Council's pre-application advice service was suspended which is unfortunate. Had the concerns about the NDSS been available at an earlier stage the appellant has indicated that an alternative layout would have been designed to meet the NDSS. However, that is not the proposal before me.
8. The Parties acknowledge that the appeal site lies within the 400m to 5km Zone of Influence for the Thames Basin Heath Special Protection Area (the SPA) which is predominantly heath, scrub and woodland. The SPA provides a habitat for internationally important bird species and is also a well frequented recreational resource. In order to avoid any likely significant effect, proposals for development are required to demonstrate that they can avoid or mitigate any such effect. The appellant has indicated a willingness to provide a contribution to Suitable Alternative Natural Green Space (SANG) but no mechanism for delivery accompanies the proposal. However, in view of my conclusion on the main issue I do not need to consider this matter further.
9. Other residential developments have been granted permission but the Council advises that these have been accompanied by an appropriate section 106 Agreement securing SANG/Strategic Access Management and Monitoring contributions to mitigate harm to the TBHSPA. I see no reason to suppose that this would not also be the case for any development that might be forth coming at the Slyfield Regeneration Project.
10. None of the above matters, or the effect if any on Council tax receipts, lead me to any different conclusion in respect of the main issue

Planning Balance and Conclusion

11. The proposal would result in two dwellings of the sizes indicated as needed in in the LP; a net increase of one dwelling in an accessible location. This is a benefit of the proposal, and could enable downsizing thus freeing up a larger dwelling. However, this is offset to some extent by the removal of a larger dwelling, as previously permitted, so these benefits attract only moderate weight. The provision of an electric vehicle charging point, gardens and parking are matters to be expected from all developments and are a neutral factor for this appeal.
12. Set against this, there would be a significant shortfall in internal floor space and there is no justification for the departure from the minimum standard. In failing to comply with Policies H1(3) and D1 of the LP the proposal cannot be said to comply with the development plan taken as a whole. There are

insufficient material considerations that would justify a decision other than in accordance with the development plan. The appeal should be dismissed.

S Harley

INSPECTOR