



Appeal Decision

Site visit made on 4 July 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/Y3615/W/21/3287773

Land to the rear of 164-176 New Road, Chilworth GU4 8LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by BlackOnyx Projects Limited against Guildford Borough Council.
 - The application Ref 21/P/01761, is dated 10 August 2021.
 - The development proposed is formation of vehicular access and erection of 5 no. two storey dwellings on land to the rear of 164-176 New Road with associated parking and landscaping.
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Decision

1. The appeal is dismissed, and planning permission for formation of vehicular access and erection of 5 no. two storey dwellings on land to the rear of 164-176 New Road with associated parking and landscaping is refused.

Preliminary Matters

2. Amended plans¹, which did not form part of the planning application considered by the Council, were submitted during the course of the appeal. These relate to minor changes to the first floor internal layout of the proposed dwellings. Having regard to the Wheatcroft principles, I consider that these changes would not fundamentally alter the nature of the development previously consulted upon and considered by the Council. As such, I am satisfied that my consideration of these amended plans would not prejudice anyone's case in the appeal. I shall therefore determine the appeal on the basis of the submitted drawings, together with the amended plans.
3. The appeal was made against a failure to give notice of a decision on the planning application within the prescribed period. However, the Council have detailed their concerns within their submissions, and advised that, had they been in a position to determine the application, it would have been refused.

Main Issues

4. Having regard to the Council's putative reasons for refusal, the main issues are:
 - The effect of the proposal on the character and appearance of the area;

¹ BLAC210113 P.1-3p.01 Rev.B & P.4-5p.01 Rev.B.

- Whether the proposal would provide a satisfactory living environment for the intended occupiers of the development, having particular regard to the size of the accommodation; and
- The effect of the proposal on the living conditions of the neighbouring occupiers of nos 174 and 176 New Road, having particular regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal site lies within an established residential area typically characterised by dwellings with clearly defined frontages to the street, and set within long but relatively narrow plots. The detailed design of the properties and spacing between buildings, together with the established landscaping, give the area a pleasant feel. Infill developments have also become an important aspect of the character and appearance of this area, and have generally been carried out in a comprehensive manner.
6. The site is adjacent to the railway line and currently forms part of the garden area of nos 174 and 176 New Road, which also extends to the rear of several other residential properties. The proposal would represent a significant intensification of development on the site, not only in respect of the number of dwellings relative to the size of the plot, but also the footprint of the buildings and hardstanding areas required for the provision of access and parking.
7. By reason of the restricted depth of the site and its overly complicated layout, some of the dwellings would sit tightly against at least one of their side boundaries. The dwellings would not benefit from front gardens and would have little defensible space. These various elements are symptomatic of a proposal which would lead to the creation of a cramped and congested form of development and cause significant harm to the surrounding area. The piecemeal approach of the scheme would also be evident, in that it would fail to have regard to the alignment and pattern created by other infill schemes which have been completed in the locality.
8. The harm would be exacerbated by the loss of vegetation required as part of the development, not only for the construction of the houses but also the creation of the vehicular access. The proposed built forms and hardstanding would leave limited scope for the provision of meaningful landscaping to soften the visual impact of the development. It is for instance regrettable that the main view from the driveway would be onto the side boundary of plot 5, which would also be surrounded by hardstanding. This is not a matter which in my view could be satisfactorily addressed by condition.
9. For these reasons, the appeal scheme would cause unacceptable harm to the character and appearance of the area and would therefore fail to accord with Policy D1 of the Guildford Borough Local Plan 2015-2034 – Adopted 25 April 2019 (the 2019 LP), Saved Policies G5 and NE5 of the Guildford Borough Local Plan 2003 – Adopted January 2003 (the 2003 LP). Amongst other things, these policies seek to ensure that all new developments achieve high quality design that responds to distinctive local character of the area in which it is set. Similarly the proposal would be contrary to paragraph 130 of the National Planning Policy Framework (the Framework) and the National

Design Guide, which seek to ensure that new developments function well and add to the overall quality of the area.

Living conditions – Intended occupiers of the development

10. The Council has raised concerns regarding the living environment which would be created for future occupiers of the development, having particular regard to the size of Bedroom 2, as shown on the proposed floor plans for the new dwellings. Policies H1 and D1 of the 2019 LP require new residential development to conform to the nationally described space standards as set out by the Government. The standard notably requires single bedrooms to have a floor area of at least 7.5 square metres.
11. The amended plans submitted by the appellant during the course of the appeal show minor alterations to the first floor internal layout of the proposed dwellings, which in effect increase the size of Bedroom 2. Whilst these changes would reduce the size of the bathroom for each unit, these would have no negative effect on the living environment which would be created for future residents. Accordingly, I am satisfied that the proposed houses would provide a satisfactory living environment for future occupiers, and thus find no conflict with Policies H1 and D1 of the 2019 LP.

Living conditions – Neighbouring residents

12. The proposed driveway would be adjacent to the side boundaries of nos 174 and 176 New Road and run along the entire length of their rear gardens. However, these neighbouring properties front a busy thoroughfare and their rear boundary is adjacent to the railway line. In this context and having regard to the available evidence, which includes a Noise Review, the additional vehicular movements generated by five additional dwellings would be limited. Noise levels associated with car movements would in all likelihood remain acceptable and relatively brief.
13. It is also reasonable to expect that some form of boundary treatment would be installed along the side boundaries of these neighbouring properties, which would to some extent soften noise levels. Overall, the appeal scheme would not therefore cause significant harm to the living conditions of the occupiers of nos 174 and 176 New Road, or affect the enjoyment of their rear garden, having regard to noise and disturbance. There would consequently be no conflict with Saved Policy G1(3) of the 2003 LP, which seek to ensure that the amenities enjoyed by occupants of buildings are protected from unneighbourly development, notably in terms of noise.

Other Matters

14. Various concerns have been raised by interested parties, notably in respect of the effect of the development on highway safety and the landscape character of the Area of Outstanding Natural Beauty and Area of Great Landscape Value, located beyond the railway line to the north of the site. These matters have been considered within the Council's submissions, who did not object in these respects. In the absence of substantive evidence to the contrary, there are no reasons for me to disagree.

Conclusion

15. The appeal scheme would make a contribution towards housing supply and choice, as support the local economy to some degree. However, these benefits would be outweighed by the harm caused by the proposal. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR