
Appeal Decision

Site visit made on 29 June 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/Y3615/W/21/3285048

52 & 54 Weyside Road, Guildford, Surrey GU1 1HX

- 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 A Richards against the decision of Guildford Borough Council.
 - The application Ref 20/P/01900, dated 1 November 2020, was refused by notice dated 7 October 2021.
 - The development proposed is described as the demolition of 2 semi-detached houses and 2 semi-detached replacement houses.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr A Richards against Guildford Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The previously approved permissions for extensions to the original dwellings on the site, and the near complete demolition of those dwellings is noted. As the previous approvals are no longer extant and the original dwellings no longer exist, they do not constitute a fallback position.

Main Issues

4. The demolition of the original dwellings due to poor structural integrity is not contested by any party. This appeal, therefore, turns on the impacts of the proposed replacements.
5. The 4 main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of the occupants of Nos 50 and 56 Weyside Road with specific regard to outlook and privacy; c) the appropriateness of the Flood Risk Assessment (FRA) in determining the proposed development's effect on the flood risk for the surrounding area; and d) the setting of the River Wey Navigation Conservation Area (CA).

Reasons

Character and appearance

6. The appeal site is situated on Weyside Road and forms part of a row of semi-detached residential properties which back onto the River Wey. The properties are generally similar in style with hipped roofs and side facing frontages. They

all follow a similar building line set back behind small front gardens, usually behind low boundary treatments, and with driveways to the side. To the rear the gardens are reasonably sized and slope gently to the river. The similarity of form and appearance, and the cadence created by the regular spacing between properties characterises Weyside Road.

7. The appeal site constitutes 2 residential plots. Although demolished, the originally dwellings were similar in size, form, and appearance to the neighbouring properties with parking to the sides. However, they were located further back in the plot so had larger front gardens.
8. Although the proposal retains the semi-detached form of the previous properties, they would be substantially larger. The proposed new building would be nearly as wide as the site. Both properties would include accommodation in the roof space, requiring small side gables breaking into the half hipped roof form and rear facing dormer windows. They would both also have single storey rear extensions to increase ground floor space. This means that the proposal would look oversized in relation to other properties along Weyside Road. It would considerably reduce the space between the new properties and the adjacent semi-detached pairs and include design features, such as forward facing front doors and side gables, which would be out of character with its surroundings.
9. The set back location would draw attention to the new building and due to the site narrowing towards the river further exacerbate the visual impact of the width of the proposal. That the previous dwellings were similarly located on the site is noted. Nevertheless, there is no policy requirement for replacement dwellings to replicate original positioning.
10. The proposal would also prioritise parking to the front of the new properties and not garden. Front gardens form an important part of the surrounding area creating a more verdant character to the road and ensuring the street scene is not dominated by hard standing. The lack of front gardens within the proposal undermines this character and would negatively impact on the appearance of the site as well as its relationship with the road.
11. Consequently, the proposal would significantly harm the character and appearance of the area. This would be contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS); saved Policy G5 of the Guildford Borough Local Plan (LP), and paragraph 130 of the National Planning Policy Framework (the Framework) insofar as they relate to design, character and appearance.

Living conditions

12. The rear gardens of the properties on Weyside Road are open in aspect with views over the water. However, the gardens do have limited privacy, restricted mainly to the areas close to the rear of the properties. This is due to mutual overlooking between properties and the reciprocal views from the footpath on the opposite side of the river.
13. The proposed front elevation would be broadly in line with the rear elevation of No 50 and setback entirely behind No 56. The proximity of the proposal to the boundaries with Nos 50 and 56 means the full depth and height of the

proposed side elevations would border a large part of the rear gardens of both properties.

14. Although the proposal would not affect the views across the river for Nos 50 and 56, it would significantly curtail the characteristically open aspect to the rear for both properties. The proposed 2-storey height would enclose the garden immediately to the rear of each property, dominating that space and harming the outlook for the occupants of both Nos 50 and 56.
15. The proposed forward facing windows would provide direct views into the rear windows and garden of No 56. This would constitute a significant loss of privacy for the occupants of that property. The ability to see into the garden from across the river, and the proposed use of obscure glazing for side facing windows does not alter the unacceptable relationship between the rear of No 56 and the front windows of the proposed dwellings.
16. Therefore, the proposed development would significantly harm the living conditions of the occupants of Nos 50 and 56 Weyside Road with specific regard to outlook and privacy, contrary to LP Policy G1(3) insofar as it relates to neighbouring occupants living conditions.

FRA

17. Paragraphs 167 and 168 (inclusive of footnote 55) of the Framework states a site-specific FRA should be provided for all development in Flood Zones 2 and 3. The main parties agree that the appeal site is partially within these Flood Zones, therefore a site-specific FRA is required.
18. The National Planning Policy Guidance 'Flood risk and coastal change' sets out the objectives and scope of a site-specific FRA (paragraph 30¹ and 31²) as well as a contents checklist (paragraph 68³). However, the information provided by the appellant does not comply with this guidance nor meet the objectives expected for an FRA. It is noted that some of the information required to assess the flood risk of the site was submitted, however there was no assessment of that risk nor how it could be mitigated.
19. The lack of an appropriate FRA means that certainty cannot be assured of the affect the proposal could have on the surrounding area, in relation to flooding. The appellant has confirmed they would accept a condition requiring an amended FRA. However, there is no guarantee that an FRA will find the proposed development appropriate for the site without amendment or alteration, and to that effect such a condition would not be reasonable.
20. The submitted FRA is not, therefore, appropriate and the proposed development's effect on the flood risk for the surrounding area cannot be determined, contrary to paragraphs 167 and 168 of the Framework.

Setting of the CA

21. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. It does not require assessment of its setting. However, paragraph 206 of the

¹ Reference ID: 7-030-20140306 Revision date 06/03/2014

² Reference ID: 7-031-20140306 Revision date 06/03/2014

³ Reference ID: 7-068-20140306 Revision date 16/11/2016

National Planning Policy Framework (the Framework) states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the heritage asset should be treated favourably. This position is supported by LP Policy HE10.

22. The appeal site is adjacent to the CA, which covers the narrow route of the river and associated footpath. Its historic importance is related to the rivers development as a navigation and its use as a linkage between Waverley, Guildford, Woking, Runneymede, and Elmbridge. As such the significance of the CA is the historic use of the river, its length and its route through the surrounding countryside and built up areas.
23. The proposal would bring the site back into its previous use and would not intensify it. I have found harm in relation to its impact on the character and appearance of the surrounding area in my first main issue. However, the CA is at a much larger scale than the immediate area of the appeal site. Its setting is a mix of built up and open spaces dependent on whether the river is travelling through the town or country. At the point where the appeal site is situated, the setting of the CA is characterised by development on one side with residential and commercial uses along Weyside Road and the railway beyond, yet open on the other.
24. The proposal would constitute a proportionally minor part of the existing development along Weyside Road. It would reinstate housing on a site which is currently unsightly and unrelated to its surroundings and so would preserve the built up setting of this part of the CA, without harming its significance.
25. The proposal would not therefore harm the setting of the CA and it would comply with LPSS Policy D3; LP Policies G5 and HE10, and paragraph 206 of the Framework insofar as they relate to the setting of conservation areas.

Conclusion

26. The appeal scheme would conflict with the development plan as a whole, for the reasons given above. There are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR