



Appeal Decision

Site visit made on 28 February 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 MAY 2023

Appeal Ref: APP/Y3615/W/22/3302764

Land between 12 and 14 Poyle Road, Guildford GU1 3SJ

- 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 & Mrs Stephen and Rachel Bampfylde against the decision of Guildford Borough Council.
 - The application Ref 21/P02198, dated 15 October 2021, was refused by notice dated 14 January 2022.
 - The development proposed is a 3 storey, 4 bedroom single-occupancy house.
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Decision

1. The appeal is allowed and planning permission is granted for a 3 storey, 4 bedroom single-occupancy house at land between 12 and 14 Poyle Road, Guildford GU1 3SJ in accordance with the terms of the application, Ref 21/P02198, dated 15 October 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The address in the heading above has been taken from the Decision Notice and the appeal form, as the address used on the application form is misleading due to lack of information. It is clear from the submitted Site Plan that the appeal site incorporates the land between 12 and 14 Poyle Road. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the area; ii) the living conditions of the occupants of adjoining properties with regard to privacy; and iii) the integrity of the Thames Basin Heath Special Protection Area (SPA).

Reasons

Character and appearance

4. The appeal site is located on the western side of Poyle Road in Guildford, a private road situated in an undulating location. The area is characterised by fairly large, detached properties which form a regular rhythm and pattern. Given the sloped nature of the area the properties on the west side of Poyle Road are sunk into the ground, providing a single storey appearance from the roadside, whilst the rear elevations have a grander appearance, over several storeys.

5. The appeal proposal consists of a three storey dwellinghouse, albeit with living accommodation in the roof, with a contemporary design utilising traditional materials. As with the existing properties on this side of Poyle Road the proposed scheme would be set into the slope, creating the appearance of a single storey house in keeping with the street.
6. There is an extant consent¹ for the erection of a two storey four-bedroom dwelling with additional accommodation at lower ground garden floor level and within the roof space. The consented scheme provides similarities with the appeal scheme in regard to height, scale and bulk, and there is a real prospect of this fallback scheme being implemented should this appeal be unsuccessful. As such, I have apportioned significant weight to it.
7. Paragraph 130 c) of the Framework indicates that new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. The Council consider that the design provides an unbalanced appearance, that would appear overly prominent and incongruous within the street scene.
8. It is acknowledged the detailing to the front of the dwelling provides an asymmetric appearance with a more modern feel. However, I see no reason why the proposed modernist design approach would be inappropriate in this location, as the use of traditional materials on a more contemporary design would provide visual interest within the existing traditional built forms. Furthermore, just because a design is different from the prevailing character, does not necessarily make it harmful. In my view, the resulting development would take advantage of the constraints of the site and would provide a development which is respectful to its surrounds whilst providing interest at the street level.
9. The scale and mass of the proposed development would not appear visually intrusive or overly prominent within its context. The scheme provides a well-considered design response to the site, albeit with alternative fenestration features, flat roof and façade treatments. The overall design and resulting form of the dwelling, would not appear out of keeping within either Poyle Road or the wider area. The development would merely serve to add an additional element of variety to the street scene.
10. I therefore conclude that the proposed development would represent good design and would contribute positively to the local character and would not harm local distinctiveness. Consequently, I find no conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites, adopted April 2019 (GSS) or Policies G5 and H4 of the Guildford Borough Local Plan (GLP), adopted January 2003, which among other things, requires new development to be respectful, proportional and reflect patterns of development and distinct local character. Furthermore, the proposal would also accord with the aims and objectives of the Framework, National Design Guide, October 2019 and Guildford Borough Council Residential Design Guide (SPD) July 2004 which amongst other things, seek to secure high quality design, whilst taking into account the local character and reflecting the local surroundings and materials.

¹ Guildford Borough Council Planning Ref: 21/P/00706

Living conditions of adjoining properties

11. The appellant draws my attention to the fallback position afforded by the consented scheme, which would incorporate a full width terrace at the rear of the site. Given the extant consent, the depth and location of a terrace between the properties at Nos 12 and 14 Poyle Road has previously been found acceptable, with respect to overlooking and privacy. Given the similarities in terms of distance, between this appeal scheme and the consented scheme, the proposal is unlikely to result in unacceptable harm to the living conditions of the occupiers of adjoining properties as a result of the depth and location of the terrace.
12. Despite the principle of a rear terrace being accepted, there is a noticeable difference in the overall height of the proposed terrace compared to the consented scheme. Whilst the consented scheme provides a terrace akin to the ground floor levels of the adjoining properties at Nos 12 and 14, the terrace subject to the appeal is in a position above the ground levels of its neighbours providing an elevated view.
13. I acknowledge there might be some concerns relating to the perceived levels of overlooking due to the relationship between the first-floor terrace and external staircase angled toward these sites. Particularly given that these features use clear glazed balustrades. Having regard to the nature of the proposal and its elevated relationship to adjoining properties, I consider that the use of obscured glazing in the balustrades could mitigate the perception of overlooking between these properties, which could be secured through the imposition of appropriate conditions.
14. In coming to this conclusion, I have been mindful of the nature of the rear elevations in this section of Poyle Road and the relationship between existing dwellings. Other properties in the area also exhibit balconies and terraces on rear elevations at upper floor levels, including Nos 16 and 18. The resulting relationship between buildings would not therefore be particularly unusual. In this context, I do not consider that the terrace proposed would result in significant harm to the living conditions of the occupiers of adjoining properties.
15. For the reasons given, the proposal would not unacceptably harm the living conditions of the existing occupants at Nos 12 and 14 Poyle Road with particular regard to privacy. Subject to conditions, the scheme would be compliant with saved Policy G1(3) of the GLP, which amongst other things, is concerned with housing quality and protecting residential amenity. The proposal would also be consistent with Paragraph 130 f) of the Framework which, amongst other things, seeks a good standard of amenity for all existing and future occupants of buildings.

Integrity of the SPA

16. The Thames Basin Heath SPA comprises a network of heathland sites providing a habitat for three internationally important bird species, the woodlark, nightjar and Dartford warbler. These birds nest on or near the ground and are therefore very susceptible to disturbance from informal recreational use, especially walkers and dog walking.
17. The proposal would introduce a new residential unit into the site, located within 400m to 5km of the SPA zone of influence. It is therefore likely to result in

significant adverse effects upon the integrity of the SPA including the potential for increased disturbance of the protected habitat from the activity of residents. An appropriate assessment is therefore required under the Habitat Regulations 2017 (as amended).

18. The Council has adopted the Thames Basin Heath SPA Avoidance Strategy (2017) that sets out the mitigation requirements for development proposals. A unilateral undertaking (UU) has been provided by the appellant, securing contributions towards Suitable Alternative Natural Greenspace and Strategic Access Management and Monitoring costs to be paid to the Council towards access management of the SPA.
19. I am satisfied that the UU would provide for appropriate mitigation in accordance with the Council's Avoidance Strategy and also that satisfactory measures are in place to ensure that the mitigation would be provided in a timely manner. The Council has also confirmed that it is satisfied with the content of the revised UU.
20. Consequently, I am satisfied that the proposed development, in combination with other projects and plans, would not result in the likelihood of any adverse effects upon the integrity of the Thames Basin Heath SPA. The proposal would therefore satisfactorily accord with the habitats and species protection criteria set out in saved Policy NRM6 of the South East Plan 2009, Policy P5 of the GSS, saved Policy NE3 of the GLP and the Habitats Regulations 2017.

Conditions

21. I have considered the Council's suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary for the sake of consistency, brevity, clarity and to ensure that they meet the tests in the Framework.
22. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have also imposed a material specification condition in order that suitable materials are sourced to ensure an acceptable visual effect. I have also attached a condition securing obscured glazing on glass balustrades to protect living conditions of neighbouring properties, from the proposed development, in terms of privacy.
23. I have attached conditions to provide soft treatments to the garden area and the site boundaries which should be provided and maintained thereafter to protect the character and appearance of the area and to protect living conditions of neighbouring properties.
24. There is a need to protect biodiversity and nesting birds given their ecological value, and also to retain these upon completion of development. I have imposed the condition that incorporates the requirements set out in the Council's suggested conditions.
25. I have added a condition to ensure the development meets the requirements of the sustainability report in reducing carbon emissions through the provision of decentralised and renewable or low-carbon energy sources to achieve sustainability objectives.

26. I have not imposed a condition relating to water consumption, as it has not been explained by the Council that other existing regulations and controls do not satisfactorily deal with these matters. As such, this suggested condition is unnecessary.

Conclusion

27. For the reasons given I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 048-S3-P000 Rev C; 048-S3-P002 Rev C; 048-S3-P003 Rev C; 048-S3-P100 Rev D; 048-S3-P101 Rev E; 048-S3-P102 Rev E; 048-S3-P103 Rev D; 048-S3-P200 Rev D; 048-S3-P201 Rev D; 048-S3-P300 Rev E; 048-S3-P301 Rev D; 048-S3-P302 Rev D and 048-S3-P303 Rev D
- 3) No development shall take place above foundation level until, details and samples of the proposed hardstanding, external facing and roofing materials, including colour and finish shall be 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) The building hereby permitted shall not be occupied until the glass balustrade on the north and south elevations at the first floor terrace and the glass balustrade on the rear staircase have been obscured glazed. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the glass balustrade is installed and once installed the obscured glazing shall be retained thereafter.
- 5) The building hereby permitted shall not be occupied until a scheme of landscaping is submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The development hereby permitted shall not be occupied until bird nesting and roosting boxes have been installed on the building or in any trees on the site in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. These details shall be maintained and retained thereafter.
- 8) The development shall be carried out in accordance with the sustainability report prepared by EAL Consult dated October 21 (received on 15 October 2022).

END