



Appeal Decision

Site visit made on 18 April 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2023

Appeal Ref: APP/Y3615/W/22/3306057

95 Broadacres, Guildford, Surrey GU3 3AY

- 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 D Perkins against the decision of Guildford Borough Council.
 - The application Ref 22/P/00342, dated 21 February 2022, was refused by notice dated 6 June 2022.
 - The development proposed is described as the sub division of an existing dwelling site and construction of new dwelling of similar design.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was submitted the Council adopted the Guildford Borough Local Plan: Development Management Policies (LPDMP) on the 22 March 2023, which forms part of the development plan. The Council have confirmed which policies are now in place and the appellant has had opportunity to comment on them. I will therefore reference the revised policies in my decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, and the Thames Basin Heaths Special Protection Area (SPA); and whether the proposal would provide appropriate living conditions for future occupants with specific regard to internal space.

Reasons

Character and appearance

4. Broadacres is part of a larger suburban residential area where the properties are of a similar functional vernacular, some of which have detached garages to the rear. The roads, including Broadacres, follow the undulations of the local area's topography creating interest and is emphasised by the open character of the street scene. This is created by the set back position of the properties, the lack of fences within their frontages, and generous areas of open space, usually at corners of junctions.
5. The appeal site would constitute one such area of open space and part of the garden of 95 Broadacres. It is situated on a curve in the road, and the unenclosed nature of the area of open space positively contributes to the spaciousness of the locality.

6. It is proposed to enclose the appeal site, build a detached two-storey house within the garden of No 95, and provide a detached garage adjacent to, but partially forward of the substation behind.
7. Although the location of the new dwelling would align with adjacent properties, the enclosing of the open space and the location of the detached garage would extend significantly beyond it towards the road's edge. The proposal would, therefore, remove the spaciousness created by the area of open space, and the location of the proposed garage would narrow the otherwise open views around the curve of the road. As the residential estate is defined by its spacious street scene and lack of built form forward of the established building line, the proposal would have a significant and detrimental impact on this defining characteristic of the area.
8. That the design of the proposed dwelling and garage would blend with that of other properties on the estate is noted, however this does not overcome the issues identified in relation to the proposed layout.
9. Therefore, the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034 (LPSS), and LPDMP Policy D4, as far as they require new development to achieve high quality design that responds to the context and character of an area.

SPA

10. The SPA is an area of lowland which is important as it supports the breeding populations of several ground nesting birds which are particularly vulnerable to predation and disturbance. The appeal site falls within the 400m-5km zone of influence of the SPA. Therefore, it is likely that its contribution to the increase in population could lead to an increase in visitor and recreational pressure, which the qualifying features of the SPA are susceptible and vulnerable too. It cannot, therefore, be concluded that the development would not adversely affect the integrity of this protected site in combination with other projects.
11. Hence, the Council has an avoidance strategy in place and for a development of this nature, it confirms a contribution to the improvement and/or maintenance of the existing Suitable Alternative Natural Greenspaces, and Strategic Access Management and Monitoring for the SPA, would be suitable mitigation.
12. However, there is nothing before me securing such a contribution nor is an alternative proposed. Therefore, I am unable to conclude that the proposal would not have a harmful effect on the SPA. Consequently, the proposal would fail to comply with LPSS Policy P5, LPDMP Policy P6, and saved policy NRM6 of the South East Plan 2009 which, amongst other things, require priority to be given to reducing the potential adverse effects of new development on the SPA.

Living conditions

13. The Nationally Described Space Standards (NDSS) sets out minimum requirements for the gross internal floor area of new dwellings as well as floor areas and dimensions for key parts of a home, notably the bedrooms. The NDSS requires that double or twin bedrooms have a minimum floor area of 11.5m² and a single bedroom a minimum of 7.5m². Both LPSS Policies H1 and D1, require conformity with the NDSS, amongst other things.

14. The Council has calculated that 1 of the double bedrooms would have a floor area of 10.4m², and the single bedroom would have a floor area of 5.6m². The appellant has not refuted these figures or the proposed occupancy of both rooms. They have however stated the rooms are similar in size to those within No 95.
15. Nevertheless, suboptimal room sizes elsewhere are not justification for the continuation of such practices, especially as No 95 was built prior to the NDSS being published. As such I do not consider this appropriate reasoning for a new dwelling to have 2 bedrooms which fail to meet the NDSS. Accordingly, the proposal would not provide appropriately sized internal spaces, to the detriment of the living conditions of future occupants. It would not, therefore, comply with LPSS Policies H1 and D1, and the National Planning Policy Framework (The Framework) insofar as they seek high standards of amenity for future users.

Planning Balance and Conclusion

16. The Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations. The proposal would provide 1 new home in an accessible location. Along with the associated economic and social benefits, this contribution to the windfall element of the Council's 5-year housing land supply would attract limited weight based on the number of houses involved.
17. However, housing provision should not come at the cost of good design, impact on the SPA, or the living conditions of future occupants, a position supported by the Framework. Consequently, when weighed against the policies in the Framework taken as a whole, I find that the adverse impacts of granting planning permission would outweigh the proposed benefits.
18. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR