



Appeal Decision

Site visit made on 24 May 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/Y3615/W/22/3307469

Chestnut Beech, 255 Guildford Road, Effingham KT24 5NP

- 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 P Cook of Wynngate Guildford Ltd against the decision of Guildford Borough Council.
 - The application Ref 21/P/02646, dated 17 December 2021, was refused by notice dated 14 September 2022.
 - The development proposed is described as "Demolition of the existing building for the construction of a two storey building to the front of the site and a single storey building to the rear of the site comprising 5 No. x 1 bed flats with 5 car parking spaces and landscaping".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note section E of the appeal form suggests an alternative description. However, the description in my banner heading relates to the development originally applied for.
3. Since the appeal was lodged the Council has adopted the Guildford Borough Local Plan: Development Management Policies (LPDMP) Adopted 22 March 2023. The policies in the LPDMP supersede policies from the Guildford Borough Local Plan 2003, which were included in the Council's reason for refusal of the planning application. An opportunity has been given for the parties to comment on its significance for the appeal. I am required to determine the appeal on the basis of the development plan and national policy which are in place at the time of my decision and accordingly I have determined the appeal on that basis.

Main Issues

4. The main issues are:
 - i) whether the proposed development would provide satisfactory living conditions for the future occupiers of the flats with particular regard to access to amenity space for flats 2, 3 and 4; and
 - ii) the effect of the proposed development upon the character and appearance of the area.

Reasons

Living Conditions

5. Flats 2, 3, and 4 would access a communal garden space, its size and shape to which I find is acceptable. However, in this circumstance the communal garden area would be separated from the flats it would serve by parking spaces, associated with the development, and the proposed detached dwelling. The communal garden area would be accessed via a footpath which runs the length of the appeal site. Whilst a garden area would be of benefit to the occupiers of the proposed flats, it would be physically detached from the properties it would serve, with intervening uses. I consider that the lack of direct access to the amenity space would not allow for effective and practical use by residents and thus future occupiers of the flats would likely to be deterred from using it.
6. My attention has been drawn to the presence of nearby recreational open space. However, I note that this is also divorced from the appeal site and is not private. The appellant refers to the adjacent development at 257 Guildford Road, which I understand provides no garden space for the majority of the flats. I am not aware of the precise circumstances of this case. However, based on the limited evidence before me it is noted that this permission was granted under a different Local Plan to the proposal. In any event, I have determined this appeal on its own merits.
7. For the above reasons, I conclude that the development would not provide for satisfactory living conditions for the future occupiers of the flats, with particular regard to access to amenity space for flats 2, 3 and 4. Accordingly, I find conflict with Policy D5 of the LPDMP which amongst others, requires developments to be served by amenity space which is located to allow effective and practical use of the space by residents. I also find that the proposal would fail to accord with Policy D4 of the LPDMP as the garden space would not be well-related to the proposed development. In addition, the proposed development would conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2045 (LPSS) which, amongst others, requires development to be designed to meet the needs of all users, including having regard to the location of the building on the plot. I also find conflict with the National Planning Policy Framework (the Framework), which requires that developments provide a high standard of amenity for existing and future users.

Character and appearance

8. The proposed residential accommodation would be achieved through the construction of two buildings. The Council has no concerns regarding the design, scale or bulk of the frontage building which would accommodate flats. The proportions of this proposed building would be similar to the adjacent building at 257 Guildford Road. The siting of the proposed flats would be reflective of the existing pattern of built development in the locality in terms of spacing around the building and its proximity to boundaries. The proposed building has similarities to the existing building that it would replace in terms of siting, scale, bulk and mass. Having regard to the context of the site, the proposed frontage building would not be out of character with the surrounding area. For these reasons, I have no reason to take a different view.

9. In respect of the building to the rear of the site this building would provide for a dwelling and would be single storey with a flat sedum roof. The site lies within a predominantly residential area of mixed character comprising detached and semi-detached houses and bungalows. The proposed building would be contemporary in its design and external finish, which would contrast to the traditional brick development in the locality. However, in the surrounding area ancillary garden buildings are present, some of which have a wooden finish and flat roof, not dissimilar to the proposed building. As there is no uniform scale and height to dwellings in the locality, I do not find that the proposed building would be out of character with existing built development such that it would cause harm to the street scene.
10. The proposed building would be low lying, as it would be cut into the slope of the site and would be largely screened by boundary treatments. It would therefore not appear dominant or incongruous in the street scene. For these reasons the scale and design of the proposed dwelling would be appropriate given the suburban context of the site.
11. The proposed single storey dwelling would sit adjacent to the neighbouring property's garage. The positioning of this would be similar to the relationship of other built developments within the immediate vicinity of the site, including its proximity to boundaries. The development would therefore be in-keeping with the prevailing pattern of development in the locality.
12. Taking all of the above into account, the proposed development would not result in harm to the character and appearance of the area. Accordingly, I find no conflict with Policy D1 of the LPSS, Policy D4 of the LPDMP, Policy ENP G2 of the Effingham Neighbourhood Plan and the Residential Design Guide: Supplementary Planning Guidance 2004. Collectively, these seek to achieve high quality design which respects local distinctiveness. I also find no conflict with the Framework, which seeks to achieve a high quality of design, while not preventing or discouraging appropriate innovation or change.

Other Matters

13. The proposed frontage building is designed and positioned such that it provides for an active frontage and natural surveillance of the public realm. Due to the positioning of the proposed buildings and its windows I am satisfied that the proposed development would not result in overlooking, or loss of daylight and sunlight to the residents of existing properties, or the future occupiers of the proposed development. I am also satisfied with the level of vehicle and bicycle parking provided to serve the development, and note that the Council raised no objections in this regard. However, these are neutral factors in my consideration of the appeal.
14. The appellant states that an unattractive storage building would be removed to facilitate the proposed development. I do not know the circumstances of the positioning of the storage building, and it does not form part of the description of development. I therefore give this limited weight in the determination of the appeal and its removal does not outweigh the harm I have identified.
15. I note the evolution of the proposal from a previously refused scheme. However, I have considered the appeal proposal on its own merits based on the evidence before me.

16. Had I been minded to allow the appeal I could have imposed conditions to secure landscaping and boundary treatments to secure private and communal garden spaces, to soften the visual appearance of the development and provide ecological enhancements. A condition for a construction management plan could have been included to minimise the impact of construction upon neighbouring properties. However, this would not outweigh the harm I have identified.

Planning Balance

17. The proposal would make efficient use of the land and would not represent an over-development of the site. I note the credentials of the proposed development in terms of energy rating, water use, together with other sustainable construction practices and features.

18. The proposed development would make a positive contribution to housing supply. I also acknowledge that the Framework is supportive of small and medium sized sites, such as this previously developed site, which can make an important contribution to meeting the housing requirement of an area, and are often built out relatively quickly. Nonetheless, given that the Council's ability to demonstrate adequate housing land supply is not contested.

19. Whilst these would be benefits given the scale of the proposed development these benefits would be modest and would not outweigh the harm I have identified.

20. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. In this case, as I find conflict with the up-to-date policies of the development plan with regards to living conditions for the future occupiers of the flats, the proposed development would not benefit from the presumption in favour of sustainable development.

Conclusion

21. I have found conflict with the development plan taken as a whole. There are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

R Gee

INSPECTOR