



Appeal Decision

Site visit made on 3 October 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/D3640/W/22/3313570

47 Guildford Road, Bagshot, Surrey GU19 5JW

- 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 Nouri of ACM-47 Guildford Road Limited c/o Portman Morris against the decision of Surrey Heath Borough Council.
 - The application Ref 22/0923/FFU, dated 5 September 2022, was refused by notice dated 31 October 2022.
 - The development proposed is described as "Demolish existing public house and premises and erect a pair of semi detached 4 bed houses and terrace of three 4 bed houses with parking, landscaping, bin and cycle stores etc."
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The address in the banner heading above has been taken from the application form, albeit that the reference to Surrey has been made after Bagshot rather than preceding as shown on the application form.
3. The Council has confirmed that sufficient ecological information has been received in the form of an ecological appraisal and bat report, which provides sufficient mitigation measures. Subject to the provision of suitable conditions to ensure that the proposed mitigation measures are undertaken as part of any approval this would overcome the fourth reason for refusal.
4. In regard to the fifth reason for refusal and the impact of the proposal on the Thames Basin Heath Special Protection Area (SPA), the Council have confirmed that the appellants have submitted a unilateral undertaking (UU) agreeing a contribution toward Strategic Access Monitoring and Maintenance (SAMM). I will consider this later in my decision.
5. Therefore, I have confined my assessment of this appeal scheme to the remaining reasons for refusal. On this basis, the main issues are the effect of the proposal on the:
 - living conditions for future occupiers with specific regard to amenity space, overshadowing, outlook and privacy;
 - character and appearance of the area including trees; and
 - highways contributions.

Reasons

Living conditions

6. The scheme seeks to provide garden amenity space for the proposed development at the rear of the site. Policy DM9 of the Surrey Heath Core Strategy (CS) and Development Management Policies 2011-2028, adopted February 2012 seeks new development to provide high quality design that provides sufficient private and public amenity space. The Surrey Heath Residential Design Guide Supplementary Planning Document (RDG) adopted September 2017 further sets out the minimum requirements for amenity space for 4-bedroom properties with north facing gardens as 85m². However, lower amenity space standards can be accepted where the outdoor amenity space provided would be of a very high standard.
7. There is no dispute between the parties that three of the proposed dwellings do not meet the minimum requirements. Furthermore, the contrived layout of the gardens creates irregular shaped plots, with some areas leaving little room for garden furniture, the storage of equipment or for children to play. The unusual angle and orientation of the gardens would create unnecessary additional overlooking, over and above that usually associated with back garden environments. As such, these could not reasonably be regarded as high-quality living outdoor amenity spaces, as sought by the policy which would enable a reduction in the required space standards.
8. Whilst I have not been provided with a sunlight/daylight analysis to demonstrate whether acceptable levels of light can be achieved within these garden areas, given the orientation and height of the proposal, coupled with the position of the existing trees and green screening, the amount of natural light that could enter these garden areas would be significantly restricted, also leading to poor living conditions.
9. In respect of outlook from the front, concern has been raised about the limited landscaping and lack of defensible space. The limited separation distance between the proposal and the forecourt parking, coupled with the lack of soft landscaping would enable vehicles to park in close proximity to the appeal site. This would lead to views from the ground floor windows of Units 3, 4 and 5 being dominated by parked vehicles at close quarters. Furthermore, vehicle users would have direct views into the ground floor windows of these units which could also lead to a loss of privacy for occupiers. The inadequate outlook from the ground floor windows would be significantly below the standard of living conditions that future occupiers could reasonably expect.
10. Consequently, the proposed development would have an unacceptably harmful effect upon the living conditions of its future occupiers, with particular reference to amenity space, overshadowing, outlook and privacy. The proposal is therefore contrary to the relevant provisions of CS Policy DM9 and the aims and objectives of the RDG which among other things, requires new development to provide an appropriate standard of amenity, including privacy, daylight, and sunlight for occupiers of new development. It would also be contrary to the National Planning Policy Framework (the Framework) which, amongst other things, expects planning decisions to ensure healthy living conditions and create better places to live, indicating that higher densities should not be at the expense of acceptable living standards.

Character and appearance

11. The appeal site is a former public house (White Hart) located on the northern side of Guildford Road in Bagshot. The surrounding area has a mix of uses, with residential properties including dwellinghouses and flatted developments located amongst commercial premises and a church. There is no distinct rhythm or style in respect to the overall character. Nevertheless, despite having a diverse nature, the area does have a pleasant, green and spatial suburban feel.
12. The existing single storey public house sits forward in the site fronting Guildford Road. There are parking areas along both flank elevations and a two-storey 'managers' dwelling located to the rear with a garden area beyond that. The proposal seeks to demolish the existing structures and replace it with a pair of semi-detached properties and a small terrace, each consisting of 4-bedrooms with forecourt parking and private gardens at the rear of the site.
13. CS Policy CP2 seeks to ensure that all land is used efficiently within the context of its surroundings and respect and enhance the quality of the urban, rural, natural, and historic environments. Given the varied nature of the character and appearance of Guildford Road and the surrounding area, it appears that there is suitable scope for a development to be designed to optimise the capacity of this site more intensively.
14. The proposal would follow a similar building line to the adjoining flatted development approved at 45 Guildford Road¹ and the proposed dwellings would provide a development that is of a scale, design and layout representative of the existing character and appearance of the area. Given the adequate degree of spacing around the proposal, it would not appear cramped.
15. The scheme successfully seeks to break up the mass and bulk of the proposal, through articulation, providing a small gap and use of complementary materials on the front elevation. The proposal has been designed with its third floor wholly contained within the roof, with eaves at a height commensurate for that of a 2-storey house. It is acknowledged that the roof treatment is somewhat bulky in appearance, with front dormers and half hipped roof treatments not necessarily common features in the street. Nevertheless, given that it is set within the context of the adjoining flatted development which exhibits a large crown roof, the proposal would not appear overly dominant or out of keeping within its setting, and would conform to the general pattern of development.
16. Whilst the forecourt would be used for off-street parking, many of the other properties in the vicinity also have large expanses of hardstanding to the front, albeit used less intensively. Notwithstanding my concerns in respect to living conditions for future occupiers, the appellant has provided modest landscaping to soften the appearance of some of the car parking spaces, and the spaces are not grouped together in more than 3's in accordance with the RDG. As such, it would not be out of keeping within the street scene.
17. The surrounding trees form part of the leafy green character of the area. The appellant has submitted a tree survey and arboricultural impact assessment (AIA) as part of the application. The AIA highlights the proposed scheme requires the removal of one low quality category C tree² on site.

¹ Surrey Heath Borough Council Planning Ref: 18/0499

² T3 Cypress as shown in AIA prepared by GHA Trees Arboricultural Consultancy – ref: GHA/DS/160221:22

Notwithstanding the modest contribution that the category C tree makes on the periphery of the site, its removal would not provide any overriding harm to the character and appearance of the area. Furthermore, all the other existing trees surrounding the site, including those not within the appeal site, would not be adversely affected by the proposal and would be retained. The loss of the tree, whilst regrettable could be mitigated through the provision of replacement tree planting as part of a suitably worded landscaping condition.

18. I therefore conclude that the proposed development would not lead to an adverse effect on the character and appearance of the surrounding area. The proposed development, in this regard, would comply with the design requirements of CS Policies CP2 and DM9 which require new development to be of a high-quality design respecting and enhancing the local character and setting with regard to scale, materials, massing, bulk and density. The proposal would also accord with the aims and objectives of the RDG which seeks high quality inclusive design to deliver great places and the provisions of the Framework which amongst other things, also seeks to secure high quality design.

Highways contributions

19. The Council and the Local Highways Authority (Surrey County Council) have identified a contribution is required for safety improvements of pedestrian crossing facilities along Guildford Road outside the site. There has been no submission of a planning obligation in respect to this as the appellant disputes the need for it, indicating that the proposal would represent a reduction in traffic generation at the site.
20. I have no substantive evidence before me regarding the need for such safety improvements or where they would be delivered. As such I cannot be certain that this would be necessary to make the development acceptable in planning terms. Nor is there any evidence before me as to how the sum of £10,000 has been arrived at. I therefore cannot be satisfied that any contribution would be fairly and reasonably related in scale and kind to the development. While such a contribution could be directly related to the development to promote means of travel other than by the private car, I am unable to be sure that this obligation meets all of the statutory tests.
21. As such, I find no conflict with CS Policy DM11 as it has not been demonstrated how the development would adversely impact on the safe and efficient flow of traffic movement on the highway network.

Other Matters

22. The appellant challenges whether the Council can demonstrate a five-year supply of deliverable housing sites, providing recent appeal decisions³ that highlight the Councils housing land supply is below five years. The Council has not commented on this. However, even if this was the case, the harm I have identified would significantly and demonstrably outweigh what would be limited benefits to housing supply due to the modest size of the scheme and the contributions that it would make to the local economy. Consequently, in this circumstance the Framework would not be a material consideration that would indicate a decision other than in accordance with the development plan.

³ PINS Refs: APP/D3640/W/21/3277695, APP/D3640/W/21/3286100 and APP/D3640/W/21/3279954

23. The appeal site falls within a 'Zone of influence' for a designated site and the appellant has submitted a UU to secure ecological mitigation. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR