



Appeal Decision

Site visit made on 13 November 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Appeal Ref: APP/Y3615/W/23/3318921

215, 215a, 215b, 215c Worplesdon Road, Guildford GU2 9XJ

- 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 J Blason (Silver Birch Homes Limited) against the decision of Guildford Borough Council.
 - The application Ref 22/P/00187, dated 1 February 2022, was refused by notice dated 24 February 2023.
 - The development proposed is the erection of a single storey dwelling with associated parking following demolition of existing buildings at 215b and 215c Worplesdon Road and existing porch at 215 Worplesdon Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 has been provided (S106 UU) as part of this appeal. It includes obligations relating to the Thames Basin Heaths Special Protection Area (SPA). This is considered later in this decision.
3. The Council's third reason for refusal related to a lack of information submitted with regards to possible impact upon protected species. A Bat Survey¹ was submitted with the appeal. It concluded that no evidence of bats was found within the structures to be demolished, which have negligible potential to support roosting bats.
4. The Council are satisfied that it has been demonstrated that there would be no harm to protected species. As such, the Council are not pursuing reason for refusal 3.
5. Policy D9 of the Guildford Borough Local Plan: Development Management Policies June 2022 (DMP) is referred to in the refusal reasons and officer report. The Council have clarified that this has been renumbered as Policy D8 in the March 2023 adopted version of this plan.
6. Given the unchanged text of the policy, no interested parties will be prejudiced by my consideration of DMP Policy D8, and I have therefore done so.

¹ Phase 1 Bat Survey by Dr Jonty Denton. Surveys carried out on 11 March 2023

Main Issues

7. The remaining main issues in this case are:

- the effect of the development on the character and appearance of the surrounding area;
- the effect of development upon highway safety; and
- whether the proposal provides adequate living conditions for future occupiers and those of No 215a.

Reasons

Character and Appearance

8. This part of Worplesdon Road and its immediate surroundings are mostly characterised by two storey properties, set back from, but fronting the highway, with off street parking to the front and usually long rear gardens, which in some instances, contain parking areas. Whilst there is a variety in the appearance of these properties, there is consistency in scale and siting. As such, there is a uniform pattern of development and spacious character to the surroundings.
9. The proposal would demolish existing single storey outbuildings and replace them with a single storey dwelling. The site is currently used as a builder's yard and storage. The existing outbuildings are not particularly visible from the main road, given their siting and the slight fall in land levels away from the highway, however they are visible from neighbouring properties. As identified by the Inspector for a previous appeal for residential development on this site², a new independent dwelling in this location would represent residential development at odds with the general linear pattern of highway fronting dwellings along Worplesdon Road, Bryanstone Avenue at the rear and the surroundings.
10. It would sit apart on a rear access lane, neighboured by gardens/amenity areas on all sides, and not reflect the form or grain of existing development. It would therefore harm the established character of the surroundings. Moreover, whilst No 215 does not have any garden space and the garden of No 217 is curtailed by the appeal site, the limited garden size of the proposed property means that it would appear cramped within its plot and close to its boundaries. This would be at odds with the consistently sizeable garden areas in the locality and would erode the area's sense of spaciousness.
11. I acknowledge that there are a number of single storey outbuildings/garages within the rear gardens of nearby properties, however, it does not follow that this location would be an appropriate site for the proposal, given the differing impact upon the character and appearance of the surroundings of an independent dwelling, as set out above, rather than annexe accommodation or garages.
12. I conclude that the development would harm the character and appearance of the surrounding area. Accordingly, the proposal conflicts with Policy D1 of the Guildford borough Local Plan: strategy and sites 2015 – 2034 (2019) (LP), and Policy G5 of the Guildford Borough Local Plan (2003) (BLP), which collectively require among other things that all new development will be designed to reflect

² Appeal reference APP/Y3615/W/19/3230521

the distinct local character of the area and will respond and reinforce locally distinct patterns of development. These policies are in broad conformity with the National Planning Policy Framework (the Framework).

Highway safety

13. The submitted plans show sufficient parking spaces for the new dwelling. The existing office use at No 215a does not have any designated parking spaces at present. As such, there would be no conflict with the use of the parking spaces and given the limited frequency and low speed of vehicles using the access, opportunities for conflict between drivers and pedestrians would not be so significant so as to be harmful. It is also likely that the frequency of use of the access would be lower than the existing commercial operations from this site.
14. In this respect therefore I conclude that the development would have a harmful effect on highway safety. There is no conflict DMP Policy D8, which seeks to ensure that development integrates well with surrounding development, or the highway safety requirements of the Framework.

Living conditions

15. Given the single storey nature of the proposed dwelling and No 215a, with suitable boundary treatment there would be no overlooking issues between occupiers of the buildings, and there remains sufficient separation distance between the two buildings to not result in unacceptable noise or light issues.
16. As such, there the development would provide adequate living conditions for future occupiers of the proposed dwelling, and there would be no harm to the users or possible future occupiers of No 215a. There is therefore no conflict with DMP Policy D8, which seeks to ensure that development integrates well with surrounding development and avoids unacceptable impacts on the amenity of neighbouring residents.

Other Matters

17. The Submitted S016 purports to provide a contribution to mitigate the effects of the development on the SPA. However, as I am dismissing the appeal for other reasons, I have not considered the undertaking in detail because it could not lead me to a different decision.
18. Circular 06/2005³ states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. As set out above, the Council are satisfied with the conclusions of the submitted Bat Survey. From what I have observed on site and from what has been submitted, I see no reason to disagree with these conclusions. There is no conflict therefore with the protection of protected species requirements of the DMP Policies P6 and P7, in addition to the Habitats Regulations and Framework.
19. I acknowledge that the existing commercial use for the outbuildings could represent development which harms the amenities of the surrounding residential properties, and as such there is some benefit to the loss of commercial activity from this location. However, the existing use of the site is

³ Circular 06/2005: Biodiversity and geological conservation - statutory obligations and their impact within the planning system

long established, and the commercial use is limited in scale, and as such, this benefit is modest.

20. The proposal would result in an additional unit of accommodation which would contribute to addressing the Government's broader objective of significantly boosting the supply of homes. The proposal would result in a short-term economic benefit arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwelling. However, given the quantum of development in this case, I give this matter limited weight.
21. The benefits of the development attract limited weight in favour of the scheme, which do not outweigh the harm to the character and appearance of the surrounding area, which is a matter that attracts significant weight against the scheme.

Conclusion

22. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

B Phillips

INSPECTOR