



Appeal Decision

Site visit made on 16 January 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2024

Appeal Ref: APP/Y3615/W/23/3317904

20 Pit Farm Road, GUILDFORD, GU1 2JL

- 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 TMH 50 Ltd against the decision of Guildford Borough Council.
 - The application Ref 22/P/01151, dated 1 July 2022, was refused by notice dated 13 January 2023.
 - The development proposed is the demolition of existing building and erection of three dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and erection of three dwellings at 20 Pit Farm Road, GUILDFORD, GU1 2JL in accordance with the terms of the application, Ref 22/P/01151, dated 1 July 2022, and the plans submitted with it as amended, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The application as originally lodged proposed four dwellings but amended plans were submitted to the Council to reduce the development proposed to three dwellings. The local community were notified about these changes and were able to make comments and that was the scheme decided by the Council. It is therefore that scheme that is before me and I have changed the description above accordingly.
3. A neighbour to the site alleges that the appeal site plan incorrectly shows the boundary between the appeal site and the adjoining property of Knowle Cottage, including the depiction of a hedge along the party boundary. I looked at this at the site visit. While I am not able to make a formal determination on land ownership issues it appears to me that the boundary shown of the appeal site in this area is not incorrect given the normal tolerance in plans at a scale of 1:200. The site boundary is shown alongside the flank wall of the single storey garage at Knowle Cottage and then there is a very slight kink in the boundary leading to the site frontage. While the submitted site plan shows some vegetation on the appeal site side of the boundary the plans do not show the conifer hedge, the trunks of which appear to lie inside the green webbing and therefore on the neighbour's land (as referred to by Mrs Cox). In planning terms I am satisfied that the plans reasonably indicate the boundaries of the site and I will proceed on this basis.
4. The appeal now includes a Unilateral Undertaking formal planning obligation dated 23 September 2023 and signed by the appellant which in general terms

obligates the owner, if planning permission is granted, to make specified financial contributions in connection with the provision of Suitable Alternative Natural Greenspace (SANGS) and Monitoring thereof in accordance with the Council's Mitigation Strategy 2017. I have had regard to the UU as a material consideration in respect of the third main issue subject to the comments in paragraphs 22-25 below.

5. The government issued a revised version of the National Planning Policy Framework (the Framework) on the 19th December 2023. I have considered the changes in relation to the main issues in this appeal but find that the changes are minor and not material to the decision. The parties were therefore not invited to make submissions on the application of the amended Framework.

Main Issues

6. The main issues are the effect of the development proposed on:

- the character and appearance of the area;
- highway safety through the provision of car parking; and
- the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Background

7. The appeal site comprises a large detached 2.5 storey dwelling and its surrounding garden which lies in a residential street in a suburban part of Guildford. The site and local area do not have any special designation, but Pit Farm Road has an attractive array of mainly detached properties. It is proposed to demolish the existing building, which the appellant says has a ground floor flat and maisonette above, and erect three dwellings in the form of a pair of semis and a detached dwelling covering similar footprints.
8. I note that the planning application was recommended for approval by the planning officer, but this recommendation was not accepted by the Council's Planning Committee. The Council have not submitted a statement in this appeal case but rely on the minutes of the Planning Committee meeting as the amplification of the reasons for refusal.

Character and appearance

9. At the site visit I considered the character of the area from around the local part of Pit Farm Road together with surrounding roads as shown on the appellant's plan of Boundary Analysis (plan 0009-PO1WIP).
10. Pit Farm Road has a pleasant character derived from mainly detached two storey properties with an array of architectural features including prominent gables and rooms in the roof lit by dormer windows. Many of the properties were constructed in the late 19th or early 20th century but there were also examples of more recent dwellings as well as where properties had been extended.
11. The Council's objection in part relates to the narrowing of the gap between the two buildings in the redevelopment scheme and between these and neighbouring properties particularly Knowle Cottage. However these spaces

would not be inconsistent with those generally found in the area. In simple terms the proposed buildings would not project further out towards the street than the general building line already established. When approaching the site from the south-east there would be an angled view of the side view of the relatively long flank elevation of plot 3 but this wall is partially relieved by small side facing windows which would have obscure glazing.

12. The relationship between the proposed house and the neighbouring ones, together with the buildings bulks and gaps is well demonstrated on the submitted street scene elevation. Moreover, I am satisfied that the side view of this dwelling and its proximity to the boundary of the site would not give rise to a cramped and overdeveloped feeling within the street scene. The layout plan also demonstrates that the position of the building would respect the 45° vision splay drawn from adjacent windows in the neighbouring property.
13. In architectural terms while the two buildings proposed have a similar footprint the treatment of the front elevation would be varied by the use of different materials: brickwork, tile hanging, render and fenestration. This would ensure an architectural form which would be consistent with other properties in the street scene and would help enhance the area.
14. The Council refers to the Residential Design Guide produced in 2004 but this is some 20 years old and predates any version of the Framework and the government's aim to promote and achieve sustainable new development. Neither has the Guide been shown to be part of the development plan. This limits the weight that can be given to the Guide. In any event the potential to refurbish the existing house, as promoted by the Guide, rather than demolish it has been shown by the appellant to be uneconomic.
15. Under this issue the Council refer to paragraph 130 of the Framework (now paragraph 135) presumably in reference to part (d) about ensuring that new development is sympathetic to local character and surrounding built development, but the paragraph goes on to say that appropriate innovation and change should not be prevented or discouraged, including increased densities. The proposal does not conflict with this guidance when read as a whole.
16. Overall on this issue, it has been reasonably demonstrated that the development proposed would comfortably fit in with the character and appearance of the street scene and the neighbouring properties and not harm these aspects. I find no conflict with the provision of Policies D1(1) or D1(4) of the Guildford Borough Local Plan: Strategies and Sites (2015-2034) in achieving a high-quality design in new development that responds to the character of the area.

Parking provision

17. The Council considers that the proposal fails to provide sufficient off-street parking provision. Two spaces are proposed for each dwelling with two spaces in front of both properties in the pair of semis and there would be one space to the front of the detached property and one integral garage space.
18. Parking standards are contained in the Vehicle Parking Standards Supplementary Planning Document (SPD) of Sept 2006 which indicates that for dwellings with 3 or more bedrooms (outside Guildford Town Centre) 2 spaces

are required. The proposal accords with this standard although only limited weight can be given to the SPD as it predates any version of the Framework which seeks to promote sustainable transport solutions and limit the need to travel especially by car.

19. The Council is also preparing a new SPD for parking standards which indicates that for 4+ bedroom houses in suburban locations the maximum provision requirement should be 2.5 spaces per unit. The Council's evidence does not indicate whether the more recent standard has been formally adopted and it is not listed as an SPD in the Committee Report and this limits the weight that can be given to it. Nevertheless, it is clear that the applicable Council documents show that the provision of two spaces per unit as being acceptable.
20. I have also considered whether there are unusual circumstances applicable to Pit Farm Road which suggest a higher provision is necessary. In the vicinity of the appeal site the road is subject to parking restrictions but there are designated bays on the highway opposite the site to enable parking by the public for limited time periods or for residents parking. Such restrictions and provision mean that it is unlikely that any lack of parking on site in practical terms would lead to congestion or unsafe conditions on the highway.
21. I conclude on this issue that it has not been demonstrated that the development proposed would have inadequate on-site parking facilities and there would be no conflict with Guildford Borough Local Plan saved Policy G5(8) which in any event deals with visual impact rather than highway safety.

Thames Basin Heaths

22. It is established that the Thames Basin Heaths SPA is in a poor ecological state and that further recreational pressure arising from new residential development would be likely to have a significant effect on the integrity of the habitat. Where such development is acceptable the agreed strategy requires mitigation measures which can include the delivery of new Suitable Alternative Natural Greenspace (SANG). For small scale development proposals this mitigation can take the form of a specified and proportionate financial payment towards provision elsewhere.
23. In this case the appellant has submitted a formal undertaking as described in paragraph 4 above. I am satisfied that this undertaking is necessary to make the development acceptable in planning terms and it therefore meets the tests set out in the Framework and other guidance/regulations.
24. As the 'competent authority' I have to carry out an Appropriate Assessment under the Habitat Regulations. While the development alone or in combination with other plans and projects could have an adverse effect on the integrity of the habitat, the mitigation proposal has to be taken account of. Natural England do not object to an Appropriate Assessment that concludes no adverse effects on the integrity of the TBHSPA due to measures being secured and required to be put in place through a legal agreement that accords with the Avoidance Strategy SPD 2017.
25. On the basis of all of the above I am able to be certain that with the formal agreement submitted to provide mitigation, the proposal will not adversely

affect the integrity of the 'European' site. Planning permission may therefore be granted.

Other Matters

26. The Council and local people are concerned about the release of carbon from the demolition of the existing building but as this lacks special designation there is no specific control over the principle of demolition. Moreover, the appellant has shown that the building is beyond economic refurbishment and the replacement of such a building is not objected to in the Framework while this national policy does encourage making effective use of land.
27. The Council did not refuse the application on the effect on the occupiers of adjacent properties but some neighbours raise objection on this ground. In relation to Knowle Cottage the site plan shows that the front and rear projection of the building on plot 3 would not intrude in the 45° splay drawn from adjacent windows and therefore the outlook from these will be maintained. The bulk of building would be likely to restrict the sunlight to the garden at late evening given the sites' orientation but in the context of a general urban environment this effect would not cause material harm to living conditions or justify the rejection of the scheme that is otherwise acceptable.

Planning balance

28. On the main issues I have found that the proposed redevelopment of the existing building with a pair of semis and a detached dwelling would not be out of place in the street scene and would not harm the character and appearance of the area. The proposal would also make adequate provision for off-street parking bearing in mind the Council's previous and emerging parking standards. Finally, a formal mechanism is in place to ensure that the proposal mitigates the effects on the habitat of the TBHSPA. Overall I have found that there is no conflict with the relevant policies in the development plan.
29. This finding has to be balanced with other considerations.
30. Local people have expressed concerns about the demolition of the existing building and possible effects on climate change from the release of CO₂ and dust and I have taken account of Policy D2 1B(b). The latter does not presume against the demolition of the existing building which has been shown to be beyond economic reuse. However in order to help reuse materials a condition could be imposed to require the submission of a scheme for the salvaging of materials to be agreed with the Council prior to the commencement of development. In respect of dust, this is often controlled thorough a Construction Method Statement via a planning condition to help reduce a dust problem during demolition.
31. I also acknowledge that the bulk of new building proposed would result in the slight overshadowing of the adjoining property and garden but not to the extent that this justifies the refusal of permission.
32. I am satisfied that the proposal accords with the Framework when this is read as a whole and the proposal represents sustainable development.
33. Overall I find that the other considerations put forward do not outweigh the accord with the development plan and this indicates that the appeal should be allowed.

Conditions

34. The Council recommends 16 conditions be imposed which I will consider under the same numbering. Some of the conditions are Pre-commencement' ones to which specific regulations apply and the appellant has had the opportunity to comment on these conditions.
35. In addition to the statutory condition on the starting of any development (No.1) it is necessary to specify the plans that are approved and the development must be undertaken in accordance with them (No.2). As the site lies in a residential area it is reasonable to restrict the hours in which building operations may take place (No.3) in order to limit noise at unsocial hours. I will also impose condition No.4 and No.10 as details of external materials and site levels are necessary to ensure that the new buildings fit in with their surroundings, but remove the tailpiece from No. 10 as it is too vague. To ensure that the development has safe access and adequate off-street parking facilities in the interests of highway safety and the promotion of sustainable transport, I will impose conditions No's 6, 7, 8 and 9. It is also necessary to control the use of the roof of the flat roof rear extensions to prevent overlooking and a loss of privacy (No.12) and to accommodate biodiversity on the site No.13 is reasonable.
36. In order to facilitate sustainable development condition No.5 is reasonable but I will amend this to include details of measures for the salvaging of materials arising from the demolition of the existing building. Linked conditions 14, 15 and 16 are also reasonable to accommodate sustainable development with energy and water efficiency and storage of bins for waste and recycling.
37. Condition No. 11 is a duplication of No.3 and is unnecessary, however I will impose a condition requiring the submission and agreement of a Construction Method Statement to ensure that demolition and construction work do not have an imposing effect on the environs of the site and the living conditions of neighbours.

Conclusion

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

David Murray

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 0000-Block Location plan- P02
 - 0001-Proposed Site plan- P03
 - 0101-Proposed Floor Plans Plot 1-2- P02
 - 0102-Proposed Floor Plans Plot 3- P01
 - 0301-Proposed Elevations Plot 1-2- P02 received on 06/10/22.
 - 0303-Proposed Street Scene-
 - 0304-Proposed Elevations Plot 3-P02 received 28/11/22.
- 3) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between 0800 am and 13.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.
- 4) No development above slab level shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been 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.
- 5) No development above slab level shall take place until details of the sustainability measures to be included in the development, and a scheme for the salvaging of materials from the demolition of the existing building, have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Sustainable Design and Construction Supplementary Planning Document (March 2011). The development shall thereafter be carried out in accordance with the approved details.
- 6) The proposed vehicular accesses to Pit Farm Road hereby approved shall be constructed in accordance with the approved plans, Drawing No. 0001Rev P03, and thereafter retained and maintained for their designated purposes.
- 7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. 0001 Rev P03, for vehicles to be parked. Thereafter the parking areas shall be retained and maintained for their designated purposes.
- 8) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with the approved plans, Drawing No. 0001 Rev P02, and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 9) The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained.

- 10) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
- 11) The flat roof areas of the ground floor rear elements of the dwellings hereby permitted shall be accessed for maintenance or emergency purposes only and shall not be used as a balcony, roof terrace or similar amenity area.
- 12) No development above slab level shall take place until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 13) The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37(1) of the Building Regulations 2010 (as amended)) shall be provided to the planning department to demonstrate that this condition has been met.
- 14) No development shall take place above slab level until details of the design of storage facilities for bins and recycling have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and thereafter maintained for the duration of the development.
- 15) Prior to the commencement of development above slab level, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and should confirm that the emission rate will be no higher than the relevant Target Emission Rate set out in the Building Regulations (Part L). The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
- 16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) loading and unloading of plant and materials;
 - ii) storage of plant and materials used in constructing the development;
 - iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.