



Appeal Decision

Site visit made on 12 February 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2024

Appeal Ref: APP/Y3615/W/23/3324314

1 Madrid Road, Guildford GU2 7NT

- 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 Mrs Ling Chen against the decision of Guildford Borough Council.
 - The application Ref 23/P/00493, dated 21 March 2023, was refused by notice dated 17 May 2023.
 - The development proposed is described as the re-submission of previous planning application 22/P/01864 with proposal of subdivision of land into two separate plots; and the creation of new 2-storey semi-detached 2 to 3-bedroom dwelling house with car parking in front court and bike store in rear gardens.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issues

3. The main issues are the effects of the proposal on i) the character and appearance of the area and ii) the integrity of the Thames Basin Heath Special Protection Area (SPA).

Reasons

Character and appearance

4. The surrounding area has a mixed use feel, being residential with a traditional design whilst located within walking distance of Guildford town centre and close to a parade of local shops. The appeal site is located within a linear row of detached and semi-detached properties set back from Madrid Road providing a relatively cohesive rhythm and form, albeit with variations in the gaps between the properties. The appeal site is one half of a two-storey semi, occupying a prominent position adjoining the rear of the dwellings in Ludlow Road and the corner of Dunsdon Avenue. Despite the presence of an existing single storey garage, the property is well framed and spaced in the locality.

5. From the plans before me, it is clear that the proposal consists of a two-storey side extension to the existing property at No 1 Madrid Road to provide a new 3-bedroom dwelling. The proposed side extension would be set back from the front elevation than that of the adjoining dwelling with a similar appearance to No 1. Nevertheless, given its flank location and the fairly prominent position, the scheme would dominate the donor property, resulting in a bulky appearance to its detriment. Furthermore, the increase in the scale of the development, particularly at the upper floor and roof levels, would appear visually dominant and would unbalance the existing semi-detached pair, creating the appearance of a small terrace, which would be out of keeping in an area of mainly detached and semi-detached buildings.
6. The existing gaps either side of Nos 1 and 3 Madrid Road are important in framing these properties and maintaining the rhythm and form in the locality. The proposal would occupy the full width of the plot at the side of No 1, thus unbalancing the existing semi-detached pair. The erosion of this important gap resulting from the proposal, particularly at upper floor level, would provide a cramped appearance in relation to the side of the site and its setting within the street scene. Whilst I acknowledged that there is an existing garage in this gap, given its single storey appearance and ancillary nature, it is not considered to provide the same presence as that proposed and is not directly comparable.
7. The appellant highlights that the established hedge and vegetation on the western corner of the plot already provides some screening and unbalancing of the existing properties. Given its ecological nature and lack of protection, this feature cannot be considered as contributing to an asymmetric appearance of the appeal properties. Moreover, it would be the addition of a two-storey built form on the flank elevation of No 1, visible from several public vantage points including the main road, which would provide a distinct unbalanced feel to the development. This relationship would appear incongruous to the detriment of the prevailing character and appearance of the appeal site and surrounding area.
8. During my site observations, the area does have a tight development pattern particularly along Ludlow Road. This highlights that a tighter arrangement can be incorporated successfully. However, the proposal would create a small terrace arrangement on a conspicuous corner plot, which would not be in scale with the original property providing increased bulk and massing to its detriment.
9. Consequently, the proposed development would, for the reasons above, not respect and compliment the distinctive qualities of the area resulting in a cramped and incongruous form of development. The proposal would therefore harm the character and appearance of the surrounding area. Accordingly, it would be contrary to Policy D1 of Guildford Borough Local Plan: Strategy and Sites 2015-2034, adopted 2019 and Policies D4 and D7 of the Guildford Borough Local Plan: Development Management Policies adopted 2023 which collectively require all new developments to achieve high quality design that responds to local character and distinctiveness by demonstrating a clear understanding of the character, location and function (including spaces surrounding buildings) which create a sense of identity. The proposal would also conflict with paragraph 135 of the Framework which advises, amongst

other things, that new development should be sympathetic to local character whilst maintaining a strong sense of place.

Integrity of the Thames Basin Heath SPA

10. The Thames Basin Heath SPA comprises a network of heathland sites providing a habitat for three internationally important bird species, the woodlark, nightjar and Dartford warbler. These birds' nest on or near the ground and are therefore very susceptible to disturbance from informal recreational use, especially ramblers and dog walking.
11. The proposal would introduce a new residential unit into the site, located within 400m to 5km of the SPA zone of influence. It is therefore likely to result in adverse effects upon the integrity of the SPA including the potential for increased disturbance of the protected habitat from the activity of future residents. An appropriate assessment (AA) is therefore required under the Habitat Regulations 2017 (as amended). As the competent authority it falls to me to undertake an AA.
12. The Council has adopted the Thames Basin Heath SPA Avoidance Strategy (2017) endorsed by Natural England, which provides for contributions to the Council's Suitable Alternative Natural Greenspaces (SANG) and Strategic Access Management and Monitoring (SAMM) to mitigate the effect of development on the SPA. The appellant has indicated that in this case a financial contribution (secured by planning obligation) which aims to secure the appropriate contributions for the SANG and SAMM could be considered as an appropriate mitigation measure. However, there is no planning obligation before me. Nevertheless, as I'm dismissing the appeal for other matters, I do not need to consider this matter further, as no significant likely effects on the SPA would arise from my decision.

Conclusion

13. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. Therefore, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR