



Appeal Decision

Site visit made on 30 April 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2024

Appeal Ref: APP/Y3615/W/23/3326055

Beechwood and garden land to the rear of 4 Maori Road, Guildford, Surrey GU1 2EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nicholas Daley of Concept Developments (Land) Limited against Guildford Borough Council.
 - The application Ref is 23/P/00327.
 - The development proposed is Erection of 4 residential dwellings, associated access, landscaping and parking, following demolition of existing dwelling and garage.
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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 and accompanied by a written ministerial statement (WMS). I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would be material to this appeal. Having considered the revisions and considering the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework. Any references to the Framework hereafter in this decision are to the latest version.
3. The Council failed to give notice of its decision within the prescribed period. However, they have stated that they would have refused the proposal had they determined it. Whilst the Council did not provide a Statement of Case, I requested the Council's putative reasons for refusal, which the appellant has been provided with and had the opportunity to comment on.

Main Issues

4. Having considered the Council's putative reasons for refusal, the main issues are the impacts of the proposal on the:
 - a) living conditions of the adjoining neighbours with specific regard to overlooking and privacy;
 - b) living conditions of adjoining properties with specific regard to noise and disturbance; and
 - c) character and appearance of the area.

Reasons

Living conditions - overlooking and privacy

5. Plots 3 and 4 at the rear of the appeal site have been orientated 90 degrees from Maori Road, providing a front and rear elevation that face the flank boundaries of the adjoining properties. The property most affected by this treatment is The Cedars with the frontages of Plots 3 and 4 facing their rear garden. The existing boundary treatment consists of closed board fencing and a verdant vegetation boundary, which is to be retained and enhanced. I appreciate that the boundary would screen views at ground floor level, however the effectiveness would lessen at the upper floors.
6. Both Plot 3 and 4 have three first floor windows in each dwelling providing a single aspect for habitable rooms (bedrooms). The additional windows at the upper floor would provide unrestricted views of the garden area at The Cedars. Given their elevated position and modest separation distance between the proposal and the boundary, these windows would provide significant overlooking from a higher vantage point to the detriment of the living conditions for the occupiers at The Cedars. Whilst a degree of mutual overlooking is to be expected in a suburban setting, the orientation of Plots 3 and 4 and the close relationship between the proposal and The Cedars would create an unacceptable degree of overlooking and a loss of privacy harmful to their living conditions.
7. The appellant highlights other properties nearby that have similar separation distances to that proposed here. However, I am not aware of the full circumstances and/or planning history associated with these cases, but it is evident from the limited details presented that they turned on their own particular merits. I therefore give these examples limited weight, as I cannot be certain that these are directly comparable.
8. It is acknowledged that Plot 1 of the proposal has been specifically designed to have limited openings on the flank elevation adjoining The Cedars to reduce impacts on the living conditions of these occupants with regard to overlooking and loss of privacy. This orientation coupled with the use of obscured glazing would mitigate impacts of overlooking and loss of privacy and this could be secured by condition, if I were to allow the appeal.
9. Consequently, the proposed development would have an unacceptably harmful effect upon the living conditions of the adjoining neighbour at The Cedars with specific regard to overlooking and privacy from Plots 3 and 4. The proposal is therefore contrary to the relevant provisions of Policies D5 and D8 of the Guildford Borough Local Plan: Development Management Policies (DMP), adopted March 2023 which among other things, requires new development to provide an appropriate standard of amenity, including privacy and overlooking for occupiers of the proposed development and neighbouring properties. It would also be contrary to 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.

Living conditions - noise and disturbance

10. The proposed vehicular access would utilise and enlarge the existing access point serving Beechwood. However, the access route would extend along the flank elevation of Plot 1 and the entire length of the boundary with The Cedars and its garden. The proposal also includes turning areas and car parking spaces for Plots 3 and 4, along with two visitor spaces adjoining the boundary with The Cedars at close quarters. It is common ground that the proposal will increase the frequency of vehicular movements to and from the site.
11. The number and frequency of vehicle movements in connection with the existing property at Beechwood would be modest given it is a single dwelling, however by introducing 3 additional family sized dwellings to the site, there would be a significant change in terms of the comings and goings and general activity associated with the development.
12. This would have an unreasonable adverse effect on the living conditions of the occupants of The Cedar and Plot 1 of the proposal which have windows serving habitable rooms in the ground and first floors. The added movements and activities would also adversely affect their enjoyment of their rear gardens.
13. Whilst the Environmental Health Officer has raised no comment to the proposal, there is no information before me in respect of any proposed measures that could suppress any potential increase in noise and disturbance. Nor is there a noise assessment which provides background noise levels currently existing at the site. The proposal has the potential for an increase in vehicle movements, in close proximity to both The Cedars and Plot 1 leading to a possible increase in noise and disturbance. Even if sound attenuation measures were proposed, it is unclear whether these would provide appropriate mitigation, as there are no quantifiable calculations on existing noise levels for comparison.
14. It has been put to me that the proposed traffic movements would be less than the existing development at Swayne Place opposite the site granted at appeal¹. I acknowledge the Inspector found this particular scheme acceptable in terms of noise and disturbance, however they were furnished with an Environmental Noise Survey and Noise Impact Assessment Report, unlike here. Furthermore, this is not the scheme that is before me, which I have considered on its own planning merits.
15. As such, the proposal would result in harm to the living conditions of neighbouring occupiers, with regards to noise and disturbance. In the absence of any evidence to the contrary, it cannot be guaranteed that any proposed sound reduction measures would be sufficient to control the potential sound and disturbance resulting from the proposal. Consequently, the proposal would be contrary to DMP Policies D5 and D8, which among other things, seek to protect the living environment of existing and new residential properties from noise and vibration.

Character and appearance

16. The appeal site consists of a detached property located on the eastern side of Maori Road in Guildford. The area is residential with the general vernacular characterised by mainly two-storey detached, semi-detached and terrace

¹ PINS Ref: APP/Y3615/W/17/3178962

dwelling of traditional form fronting the street scene. Although there are also some larger flatted developments in the vicinity.

17. The a-symmetric design, scale and use of materials similar to those found within the wider area would provide a suitable appearance to the replacement dwellings of Plots 1 and 2 at the front of the site, which are appropriate to the streetscene and the surrounding area in general. The positioning of Plots 3 and 4 at the rear of the appeal site, behind the replacement dwellings at the front, would provide a discreet siting, difficult to view from wider vantage points. Whilst it is acknowledged that Plots 3 and 4 would occupy a back land location, this is not an uncommon feature within the locality, as there are similar developments close by, including Easington Place and Swayne Place opposite the appeal site, and Glade Mews to the rear. As such, the back land proposal would not be considered out of keeping in this regard.
18. All the dwellings have been designed to incorporate living accommodation within the roof space, thus providing a relatively consistent building height and built form of development within the area, whilst still maintaining residential space standards. The provision of the front gables at Plots 1 and 2, and the gables and bay projections at Plots 3 and 4 would break up the visual bulk of the development, creating visual interest and articulation to the front elevations. Furthermore, a landscaping scheme could be conditioned to further soften the appearance from the street scene and neighbouring gardens.
19. There is a varied nature in terms of plot sizes within the area including the nearby back land developments, and the immediate context provides some flexibility to the established pattern of development. Whilst not commensurate with the larger gardens that are evident along Maori Road, the proposal would provide smaller garden spaces that would appear similar to those at Easington Place, Swayne Place and Glade Mews. These are of a sufficient size to provide a reasonable standard of amenity for future occupiers.
20. Given the location and relationship with other development nearby, the proposal would satisfactorily integrate into its surroundings. Accordingly, the proposed development would not have an adverse impact on the character and appearance of the area and would accord with the requirements of Policy D1 of the Guildford Borough Local Plan Strategy and Sites 2015-2034 adopted April 2019 and DMP Policies D4 and D8, which amongst other things, collectively seek new development to be a high-quality design, responding to distinctive local character and integrating well with surrounding development and the environment. The proposal would also accord with the provisions of the Framework which amongst other things, also seeks to secure high quality design.

Other Matters

21. The Framework highlights the Government's objective to significantly boost the supply of housing. I note the benefits identified by the appellant in providing new dwellings in a relatively sustainable location towards the Council's housing stock and given the small site, these could be brought forward relatively quickly.
22. The proposal would also provide benefits such as employment opportunities during the construction phase and the benefits that future residents could bring in accessing and supporting local services. Whilst I recognise these benefits,

given its small scale the proposed development would make only a modest contribution to the Councils housing supply, and accordingly I attach only limited weight to the benefits it would provide.

23. The Thames Basin Heath Special Protection Area (SPA) is a habitats site that has a high level of protection. It is designated because of the presence of the Dartford warbler, woodlark and nightjar. 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 provided a signed planning obligation to secure the SANG and SAMM contributions. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.
24. The appellant statement highlights the delay they have experienced during the application stage. Whilst I understand the appellant's frustration with the Council regarding their handling of the application, the appeal and the poor communication during both processes, nevertheless they have provided justified reasons had they refused the scheme within the required timescales. As such, I do not consider that the Council has acted unreasonably and there is no formal cost application before me. Therefore, I have not considered this matter further.

Conclusion

25. 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