

Appeal Decision

Site visit made on 4 July 2024

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/Y3615/W/24/3336239

Westthorpe, Holford Road, Surrey, Guildford, GU1 2QE

- 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 outline planning permission
 - The appeal is made by Mr Simon Ible (Fortitudo) against Guildford Borough Council.
 - The application Ref is 23/P/00592.
 - The development proposed is "outline application for demolition of existing buildings and erection of 7 apartments with associated parking (access, appearance, layout and scale to be considered)."
-

Decision

1. The appeal is dismissed and planning permission is refused for "outline application for demolition of existing buildings and erection of 7 apartments with associated parking (access, appearance, layout and scale to be considered)" at Westthorpe, Holford Road, Surrey, Guildford, GU1 2QE.

Preliminary Matters

2. The application is for outline planning permission with access, appearance, layout and scale to be determined at this stage. Details of landscaping would be provided at reserved matters stage and the details shown have been treated as indicative.
3. The appeal is against the non-determination of a planning application by the Council. Had it been in a position to do so, the Council indicates that it would have refused the planning application on the main issues listed overleaf, having regard to development plan policy and material considerations.
4. Amended plans were submitted to the Council which showed an extended underground access ramp to a basement and a reduction in basement car parking from 11 to 9 spaces. These were received before it issued its putative reasons for refusal, mentioned above and elaborated upon in the main issues. Such changes are not substantial or fundamental because they involve minor revision of access and parking areas already proposed.
5. Both third parties and the highway authority were consulted on the amended plans and all parties, including the Council, have had further opportunity to

consider these plans during the appeal process. Consequently, there would be no unlawful procedural unfairness in considering these plans and they have been assessed as the relevant plans in respect of this appeal.

6. A Unilateral Undertaking (UU) dated 16 April 2024 relates to Suitable Alternative Natural Greenspaces (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation measures for the Thames Basin Heaths Special Protection Area (TBHSPA). This will be commented upon later in the decision.

Main Issues

7. The main issues are the (a) effects on the scheme on the character and appearance of the area, (b) the mix of housing tenures, types and sizes, (c) the living conditions of the occupiers of 162 Epsom Road and 1 Holford Road, having regard to privacy and outlook, and the new flats, having regard to the provision of outdoor amenity space, (d) highway safety and (e) Biodiversity Net Gain.

Reasons

Character and appearance

8. The site comprises a detached two storey dwelling which lies at the corner of Holford Road and Epsom Road. There is hedging around the perimeter of the site, including along Epsom Road. The ground level of properties and heights of dwellings increases gradually up along Holford Road away from its junction with Epsom Road.
9. Holford Road comprises detached and semi detached dwellings in traditional interwar/postwar styles¹ which are designed with projecting bays, gables, and steeply tiled roofs, mainly hipped. They are constructed with a varied palette of high quality external materials, including tile hanging and render. Dwellings are set back from the road behind frontage gardens and parking areas and have generally long rear gardens. Plots are landscaped and the road has grass verges with trees.
10. On Epsom Road, there are two traditional designed Victorian houses to the east of the appeal site and opposite, there is a mature tree belt and the back gardens of a more recent residential cul de sac development. To the west of the appeal site, there are generally large detached dwellings set within large gardens set back from the road. There is a tighter dwelling grain along Epsom Road beyond the Victorian dwellings but there is an overall spacious pattern of development surrounding the appeal site. Such design, spacious and verdant qualities contribute greatly to a pleasant 20th century suburban character and appearance.
11. The proposed three storey apartment building would utilise an existing plot in a built-up area and the third floor accommodation would be within the roof of the building. The building has a staggered profile with step backs of the elevations, especially from the front and side flanking Epsom Road. There would be some lowering of ground levels within the plot, as indicated on the proposed street scene plan, which could be conditioned.

¹ Guildford Borough Council Landscape Character Assessment and Guidance, Final Report, Volume 1, 2007.

12. However, the apartment building would extend significantly beyond the existing dwelling footprint, extending towards 1 Holford Road and Epsom Road, and behind into the plot. Despite the articulated design, the building would be substantial in coverage on the plot relative to most smaller dwellings in the vicinity. The roof accommodation would be considerable with dormers, gables and steeply pitched roof surrounding a large flat roof crown. Other dwellings in the area contain accommodation within the roof. However, such dormer and gable accommodation are not normally as extensive on dwellings in the vicinity or undertaken in such a bulky and dominant manner as proposed under the appeal. By reason of its extent, the roof design would give rise to a top heavy building appearance on an exposed and prominent corner which would be dominating and incongruous with the smaller scale suburban housing context of the site.
13. Opportunities for more innovative and forward looking design solutions should not be discouraged. Nevertheless, the excessive scale and bulk, and poor design would not respect the distinct local character. Furthermore, the vehicular access would be a conspicuously large open feature on the Holford Road frontage. Such a feature would result in a disjointed and unbalanced building design starkly out of keeping with more traditional style dwellings in the area.
14. To the rear, the basement car parking area would also be close to an attractive deciduous tree, given a high grading in the appellant's arboricultural survey, just outside of the site. This area would be outside the Root Protection Area (RPA) of the tree but due to its depth, the basement parking area would require extensive excavation in and around it to facilitate its construction. As such, it has not been demonstrated that roots within the tree's RPA and the health of the tree would not be adversely affected. Consequently, a planning condition to safeguard the tree's health would not overcome this significant concern and the loss of this tree would harm the verdant character of the area.
15. For all these reasons, the development would be of excessive scale, bulk, massing and poor design harming the character and appearance of the area. Accordingly, the proposal would conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS) and Policy D4 of the Guildford Borough Council 2023: Development Management Policies (LPDMP), which collectively and amongst other matters, requires new development to achieve high quality design that responds to distinctive local character and well-designed places, taking into account characteristics of the National Design Guide, including context, identity and built form.

Housing mix

16. LPSS Policy H1 states new development should deliver a wide choice of homes to meet a range of accommodation needs as set out in the latest Strategic Housing Market Assessment (SHMA). New development is required to provide a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location.
17. The policy sets out expectations for new development in the borough as a whole. The 2015 SHMA (updated in 2017) indicates that the current mix of homes is dominated by medium to large sized homes with around two thirds

of the stock comprising three or more bedrooms. Furthermore, the SHMA indicates that prescriptive figures should not be included in the plan making process. In concluding comments, the SHMA recommends that strategic policy retains a reasonable degree of flexibility, that in applying mix to individual sites, appropriate regard can be given to the nature of the development site, the character and existing stock of the area, as well as the most up-to-date evidence of need/demand.

18. Within this policy context, it would therefore be inappropriate to require a mix of units on this particular site especially given its size and location with an area of predominantly greater sized dwellings. Accordingly, there would be no conflict with Policy H1 of LPSS.

Living conditions

19. The dwelling at 162 Epsom Road has windows at the ground and first floor levels. Between this dwelling and its common boundary with the appeal site, there is a small gap provided by garden space serving it. The development would reduce the separation distance between this dwelling at No 162 and that existing at Westthorpe and the neighbour would also face a greater sized and scaled building comprising the apartments. However, the ground floor windows are already partially obscured by boundary treatments, and despite being reduced, the separation distance would still be significant to avoid adverse overlooking or loss of outlook.
20. The apartment building would extend beyond the rear of the neighbouring dwelling at 1 Holford Road but this part of the building would be stepped back from the common boundary with this neighbour and would have no facing windows. The frontage part of the apartment building would also flank that of No 1 but, although the new building would be closer, the existing dwelling on the appeal site already flanks that of No 1. There are also no windows significantly affected by the new development on this part of the neighbour's elevation. Consequently, no adverse loss of privacy or outlook to the neighbours would occur.
21. There would be a rear communal external space serving the residents of the apartments. Such an area would be extensive in respect of amenity needs and through a landscaping scheme, there would scope to devise and implement a high quality layout to meet the needs of residents.
22. For all these reasons, there would be no significant loss of privacy and outlook to the occupiers of these neighbouring properties or unacceptable provision of outside amenity space to serve new residents of the apartment building. Accordingly, the proposal would comply with Policies H1 and D1 of the LPSS and Policies D4 and D5 of the LPDMP (in respect of living conditions) which amongst other matters, requires high quality homes, high quality design, the avoidance of unacceptable impacts on the living conditions of new residential properties, in terms of privacy and overlooking, visual dominance and overbearing effects, and the provision of amenity space, effective and practical for use by residents.

Highway safety

23. The amended plans show a less sharply inclined ramp to the basement car parking which would avoid the significant risk of collision with other vehicles, pedestrians or the built structure of the basement parking. The changes to the ramp would result in a reduction of parking spaces, serving the 7 flats, to 9. The Council's standards indicate 11 spaces but this is a maximum guideline. There are also opportunities to use buses into and out of Guildford available nearby and the proposed accommodation would be small scale being 2 bedroom units. Such considerations would diminish the need for access to a private motor vehicle. The highway authority has raised no objections to the proposal and as statutory consultee on transport matters, significant weight is attached to their views.
24. For all these reasons, there would be no unacceptable impact on highway safety and the proposal would comply with Policy ID3 of the LPSS and Policy ID10 of the LPDMP, which amongst other matters, require a safe transport system and the provision of car parking in new residential developments to have regard to maximum standards in the Council's Parking Standards for New Development Supplementary Planning Document.

Biodiversity Net Gain

25. LPSS Policy ID4 states new development should aim to deliver gains in biodiversity where appropriate. LPDMP Policy P7 requires proposals to seek maximum biodiversity gain and after national scheme comes into effect, at least 20% biodiversity net gain (BNG). Using a DEFRA biodiversity metric, the appellant has calculated BNG of approximately 97% and for the hedgerow element, a net gain of approximately 61.2%. Although raising no objection to the hedgerow calculation, the Council has significant concerns about the general biodiversity calculation.
26. However, Planning Practice Guidance² states that the national scheme for BNG should only be commenced for planning permissions granted in respect of an application made on or after February 2024 and therefore, this legislative requirement does not apply. There is an available rear amenity space on the site and despite the restricted depth of areas above the basement parking, this would indicate a net gain in biodiversity. Therefore, the proposal would comply with LPSS Policy ID4 and LPDMP Policy P7, subject to the imposition of a planning condition.

Planning balance and conclusion

27. The proposal would provide housing according with the Government's objective of significantly boosting the supply of homes at paragraph 60 of the National Planning Policy Framework (the Framework). During construction, there would be employment and financial benefits to businesses, and the new residents, through their financial spend, would benefit local shops and services. The housing would utilise an existing site within the urban area reducing the need for greenfield development and enable people to downsize from large to smaller housing. To address climate change, the development would result in reduction in CO₂ emissions over and

² Paragraph: 003 Reference ID: 74-003-20240214.

above that required under the building regulations. Taking into account the net gain of residential units, such benefits would weigh in favour of the development in a moderate way.

28. However, there would be significant harm to the character and appearance of the area. For the reasons indicated, the development would be particularly prominent, incongruous and overbearing adversely affecting the appearance and character of the area and falling significantly short of the requirements of achieving good design stipulated at paragraph 131 of the Framework. Consequently, the conflict with Policy D1 of the LPSS and Policy D4 of the LPDMP would be overriding and there would be conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate that the decision should be decided other than in accordance with the development plan. Consequently, planning permission should be refused.
29. As there is a substantive reason to dismiss this appeal, there is no requirement for me to consider whether the obligation detailing TBHSPA mitigation meets the statutory tests that are detailed in the Framework or undertake an Appropriate Assessment under the relevant Habitat Regulations. For all these reasons, the appeal should be dismissed and planning permission is refused.

Jonathon Parsons

INSPECTOR