



Appeal Decision

Site visit made on 25 September 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/Y3615/W/24/3340985

57 Epsom Road, Guildford, Surrey GU1 3LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Shelly Hirst on behalf of 57 Epsom Road Freehold Company Limited against the decision of Guildford Borough Council.
 - The application Ref is 23/P/00091.
 - The development proposed is described as provision of access and parking with landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on:
 - highway safety; and
 - the character and appearance of the area and whether it would preserve and enhance the Waterden Road Conservation Area; and

Reasons

Highway safety

3. Epsom Road is one of the principal roads into Guildford. The appeal site is located on a section of Epsom Road, also known as the A246, that is relatively close to the town centre. Consequently, there are frequent vehicle movements along this section of highway, as well as frequent pedestrian movement. It is subject to a 30mph speed limit.
4. The appeal site is not far from the junction of Epsom Road with Waterden Road and Harvey Road, which is controlled by traffic lights. This means that vehicles can, at times, be queued in front of where the proposed access would be located. However, this is not a given, and vehicles can also move more freely past the appeal site and through the junction. I saw on my visit that intervisibility between users of the proposed access and users of the adjacent highway is restricted by trees and hedges within the frontages of adjacent and nearby houses. The appeal site is also located at a slight bend in the road, which further restricts this intervisibility and close to the junction of Epsom Road with Hunter Road.
5. The Highway's Authority require a visibility splay for the proposal access of 2.4 metres x 43 metres in both directions. The appellant does not dispute this and

recognises that the proposal would fall short of these requirements. However, they contend that, as there are already cars leaving and joining the highway along this section of Epsom Road; vehicles would be able to turn on site and exit in a forward gear; and the traffic survey confirms most vehicles adhere to the 30mph speed limit; any harm arising from the reduced visibility splays would be reduced. It has also been put to me by the appellant that the current highway conditions are out of step with the Vision Zero Road Safety Strategy 2024-2025, which seeks to implement 20mph speed limits across Surrey's residential areas, town centres and near schools where this is supported by the local people.

6. Nevertheless, whether or not the speed limit would be reduced in the future, the current limit is 30mph and, from my observations on site, I am of the view that the visibility splays set out by the Highways Authority are a reasonable requirement, having regard to the existing highway conditions at the site.
7. Furthermore, from the evidence before me, the visibility splays shown on the submitted plans¹ with a reduced 'x' distance of 2 metres would cross some of the frontages of the neighbouring properties that are not in the ownership of the appellant. At the required 'x' distance of 2.4 metres the amount of land the vision splays would cross that are not in the ownership of the appellant would likely be even greater. Given this, it would not be possible to ensure the ongoing provision and maintenance of the splays by condition.
8. While the Council did not raise any concerns regarding highway safety in their assessment of the previous application² at the appeal site for a similar access point, I note this was subject to suitable conditions. Without the provision of suitable visibility splays to serve the access, the driver exiting the site in a forward gear would be unlikely to adequately see vehicles approaching until they had manoeuvred part of the vehicle onto the carriageway. This would inevitably give rise to a risk of collision with other vehicles, as well as pedestrians and cyclists, resulting in an unacceptable adverse effect on highway safety, contrary to paragraph 115 of the National Planning Policy Framework (the Framework).
9. I appreciate that there are multiple other access points along this section of Epsom Road. Nonetheless, I am not aware of the specific circumstances of these access points, and the presence of these access points does not lead me to a different conclusion.
10. I accept that the proposal would allow for safe disabled parking at the host property, No. 57 Epsom Road, which would provide a more convenient access for an elderly occupant, who is a wheelchair user. It would also allow safe access for carers and medical staff. However, these personal circumstances do not justify introducing a feature that would increase the risk of conflict between these occupants and visitors and other road users.
11. Accordingly, the proposal would conflict with Policy ID3 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019) (LPSS) and Policy D4 of the Guildford Borough Local Plan: Development Management Policies (2023) (LPDMP), which seek to ensure all new development contributes to a

¹ Plan showing 40m sight lines, submitted as part of application 23/P/00091, dated 01.03.2023 and Drawing No: 2310076-GA01 Proposed Access Arrangements.

² Application Ref: 16/P/00066

safe transport system. It would also be contrary to the Surrey County Council Local Transport Plan 2022-2032, which promotes road safety. However, I was unable to find any conflict with the advice set out in the Council's Residential Extensions and Alterations Supplementary Planning Document (2018) (SPD), in this regard.

Character and appearance

12. The appeal site is located in the Waterden Road Conservation Area (WRCA). I have therefore approached this appeal in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), which requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the WRCA.
13. The Waterden Road Conservation Area Study and Character Appraisal (2003) (CAA) explains that the WRCA is characterised by large townhouses and villas set in substantial plots, which have many common characteristics and features providing cohesion that is worthy of protection. It also identifies a high level of natural and mature vegetation to make an essential contribution to the WRCA, including many mature trees planted as part of the villa developments.
14. The section of Epsom Road where the appeal site is located, comprises a variety of detached and semi-detached historic properties with notable architectural detailing and some comparable characteristics and features. They are set back from the highway on large plots. Their front boundary treatments are low, brick and stone walls. Trees, hedges, and other vegetation within the frontages provide a large amount of greenery in the street scene.
15. I saw on site that most of the frontages to the houses on the same side of Epsom Road as the appeal site, comprise parking areas. To access frontage parking, the gaps in the low walls, which would have previously allowed for pedestrian access, have been widened to allow vehicle access. Many incorporate mature vegetation around the perimeter of the parking area, including hedging and trees close to the highway. However, some contain very little vegetation at all.
16. In comparison, on the opposite side of Epsom Road most of the properties have retained their front gardens. These tend to consist of areas of lawn, hardstanding, or low shrubs with taller, more noticeable vegetation around the perimeter and hedging and trees close to the road.
17. The significance of the WRCA, in so far as it relates to this appeal, is the composition of the walled frontages and how this relates to the historic properties and the evolution of the area, in particular the contribution that the trees and mature vegetation within the frontages make to the street scene.
18. The host property, No. 57 Epsom Road, forms one half of a large semi-detached Victorian villa. While the pair of houses share a similar design and matching materials, they are not identical. The host property includes a double bay window on its front elevation whereas its adjoining neighbour, No. 59, does not. Also, the frontage of No. 59 has already been altered to provide a parking area, which includes a sparse amount of vegetation.
19. In its current form the appeal site makes a positive contribution to the WRCA. It has retained a small, pedestrian sized gap, between the brick pillars at the ends of the low stone wall. Its frontage consists mainly of lawn with a small

conifer and bay tree approximately halfway between the highway and house. However, the contribution the conifer and bay tree make to the street scene is reduced due to their setback from the highway. Mature vegetation along its boundary with its detached neighbour, No. 55, also adds positively to the street scene and WRCA. Albeit this vegetation is within the frontage of No.55.

20. The CAA identifies the need for parking as a pressure and threat to the character of the WRCA, in particular the loss of boundary front walls. It is also recognised in the SPD that front gardens used to park vehicles can damage the character of residential streets. The CAA explains that along Epsom Road the removal of front gardens and walls is having an adverse impact on the character of many buildings and the street scene, and I understand that the area is covered by an Article 4 removing permitted development rights for works which front the highway. Nonetheless, the CCA also recognises that parking can be accommodated here if sensitively carried out.
21. The proposal would remove a small section of the stone wall, approximately 2.1 metres, to widen the gap between the brick pillars so it can accommodate vehicles. While this would alter the historical composition of the frontage, the alteration in the context of the overall character and appearance of the area would be slight. Despite the symmetry between the existing frontage on the appeal site and that of its detached neighbour, No. 55 Epsom Road, given that wider gaps within frontage walls are a characteristic on this side of Epsom Road, the alteration would not be readily noticeable in the street scene.
22. It has been brought to my attention that the Inspector who considered the previous scheme at the appeal site found the expanse of hardstanding would be incongruous. Nevertheless, unlike the previous scheme, the proposal includes replacement frontage vegetation, which would soften the expanse of the hardstanding and would be in keeping with the existing composition of the frontages along this section of Epsom Road.
23. Accordingly, for the reasons above, the proposal would not harm the overall character and appearance of the area and would accord with Policy D1 of the LPSS and Policies H4 and D4 of the LPDMP in this regard. These seek to ensure that new development achieves high quality design that responds to the distinctive local character of the area in which it is set.
24. Notwithstanding this, the alteration to the stone wall together with the introduction of the hardstanding in place of the existing lawn would erode the historical composition of the existing frontage to a small degree. Thus, the proposal would result in some limited and localised harm to the significance of the WRCA and would therefore conflict with Policy D20 of the LPDMP, which seeks to ensure that development proposals preserve or enhance the special character and appearance of conservation areas.
25. I find this harm would be less than substantial. As such paragraph 208 of the Framework requires this harm to be weighed against the public benefits of the proposal.
26. In terms of benefits, the proposed landscaping scheme, which positions vegetation close to the highway and around the perimeter of the frontage, would be more in keeping with the current composition of the frontages around this section of Epsom Road than the existing frontage vegetation. Given its positioning, it would make a greater contribution to the street scene.

While it may take some time to mature, unlike the other proposed frontage alterations, it would strengthen and enhance the character and appearance of the area and the significance of WRCA. Thus, providing some meaningful public benefit.

27. There would also be some public benefit arising from the provision of additional off-street parking. I saw on my visit that there were few parking spaces available on the neighbouring roads and it would be reasonable to assume that the availability of parking spaces would be less during times of peak demand. Therefore, while I recognise that the parking restrictions along this section of Epsom Road should discourage inconsiderate parking, the provision of additional off-street parking would allow the WRCA to function more effectively for the benefit of its residents and businesses. This is consistent with the Inspector's decision at 29 Austen Road³, which is located not far from the appeal site.
28. Paragraph 205 of the Framework gives great weight to the conservation of the WRCA, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm. Notwithstanding this, and my duty under Section 72(1) of the 1990 Act set out above, taken together, I consider that the meaningful public benefits of the scheme would outweigh the harm I have identified to the significance of the WRCA. The proposal would therefore accord with Policy D18 of the LPDMP and the associated provisions of the Framework.

Conclusion

29. Overall, I have found that the limited and localised harm to the significance of the WRCA arising from the proposal would be outweighed by the meaningful public benefits of the scheme. Nevertheless, this neither outweighs nor addresses the harm I have identified to highway safety. The proposal would therefore conflict with the development plan read as a whole.
30. The benefits of the proposal, including the provision of additional off-street parking, which would provide safe and convenient access for disabled occupants, their carers and medical staff, would not outweigh the resulting unacceptable adverse effect on highway safety.
31. Accordingly, having had regard to all material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR

³ APP/Y3615/D/17/3180291