



Appeal Decision

Site visit made on 24 October 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/Y3615/W/24/3347194

105 Guildford Park Road, Guildford, Surrey, GU2 7NF

- 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 G Ascione against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00207.
 - The development proposed is described as the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised drawings as part of this appeal, these primarily seek to install a balcony to the elevation facing Ludlow Road. However, it is not clear if all interested parties have had the opportunity to comment on the revised drawings and I cannot be certain that their interests would not be prejudiced if I were to accept them.
3. In addition, the appeal process is not generally the appropriate place to evolve development schemes. The scheme that is considered at appeal ought to be the same one that was considered by the Council. Therefore, I have determined the appeal based on the original plans submitted with the application to the Council and upon which the views of interested parties were sought.
4. On the 30 July 2024, the Government published a Written Ministerial Statement and a list of proposed changes to the National Planning Policy Framework ("the Framework") for consultation. This consultation closed on the 24 September 2024. Some of these intentions and proposals centre on further boosting the delivery of housing. However, for the time being the exact details remain in draft and may be subject to change. They therefore carry limited weight in my consideration of this appeal.

Main Issues

5. The main issues are the effect of the proposed development on the living conditions of:
 - Future residential occupiers with particular reference to floorspace;
 - Existing and future residential occupiers with particular reference to private outdoor amenity space; and
 - Future residential occupiers with particular reference to noise.

Reasons

Floorspace

6. The proposed development is shown on the plans to have one bedroom. However, a dressing room is also shown on the drawings situated across the proposed landing to the other side of the staircase. The appellant suggests that this dressing room could also be used as a home office given the recent trends in homeworking.
7. Having regard to its proportions and separation across the landing, irrespective of the way the appellant proposes to use the internal space, there is no documented evidence before me to show that this dressing room / home office could not be converted to a bedroom in the future. Therefore, as a matter of fact and degree, the proposed development should be considered as a two-bedroom, two storey dwelling under the Technical Housing Standards – Nationally Described Space Standard (“the NDSS”).
8. The NDSS state that two-bedroom, three-person, two storey dwellings should have a minimum gross internal floor area of 70 sqm. Policy D1(4) of the Guildford Borough Local Plan - Strategy and Sites 2019 (“the Local Plan SS”) states, amongst other things, that new development is expected to conform to the NDSS. On this basis there is limited evidence to suggest these standards are optional or should be set aside.
9. I appreciate the design of the dwelling has been informed by a desire to provide a flexible living environment and it also aims to replicate the earlier extant consent under Guildford Borough Council Ref: 21/P/ 02096 (“the extant decision”). However, the current appeal is different as far as it would be a new dwelling rather than a house extension and there is limited justification to set aside the requirements of the NDSS. I have therefore determined the appeal on its own merits based on what is before me and the standards as set out in the NDSS.
10. The NDSS would not be met, and it has not been clearly shown that the proposed development would avoid a space which would be cramped, oppressive, difficult to fit furniture in or provide general internal circulation space.
11. Consequently, the proposed development would not provide acceptable living conditions for future residential occupiers with particular reference to floorspace. The proposal would unacceptably conflict with the relevant provisions of Policy D1 of the Local Plan SS. This, amongst other things, addresses the need for high quality design therefore respecting the living conditions of residential occupiers.

Outdoor Amenity Space

12. The proposed dwelling would have limited private outdoor amenity space. As I have found earlier in this decision, the proposed dwelling would be a two-bedroom, two storey dwelling, therefore, it should not be treated as flatted development or comply with amenity standards for such development.

13. Private outdoor amenity space should be of a shape and size to allow effective and practical use of the space by occupiers. Given the limited nature of the private outdoor amenity areas around the proposed dwelling, this would unacceptably prevent future occupiers from enjoying important outdoor activities such as children's play or passive recreation. The limited nature of these proposed private space would therefore not meet the reasonable needs of future occupiers.
14. I acknowledge the proximity of a public playground and other public outdoor areas of recreation. However, private outdoor spaces provide a 'cushion' between home and the outside world. These spaces are important for more intimate activities such as sitting out, external clothes drying or private entertaining. The limited nature of the private outdoor amenity space in respect of the proposed dwelling would not meet the reasonable needs of future occupiers and would therefore provide a poor living environment.
15. The existing dwelling is shown as having a modest garden next to a parking space adjacent to Ludlow Road. Both the existing and proposed floorplans show this parking area and garden. The appellant states that this parking area has been installed by virtue of Class F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and this was undertaken since the approval of the extant permission. The Council has not contested this, and therefore there is no documented evidence before me as part of this appeal to come to another view.
16. Therefore, and while modest in size, given the parking and garden area associated with the existing dwelling, is established and is not proposed to change, no harm would be generated from this element of the appeal scheme.
17. However, while I have found the private outdoor amenity space to be acceptable for existing occupiers, the proposed dwelling would not provide acceptable living conditions for future residential occupiers with particular reference to private outdoor amenity space. The proposal would therefore unacceptably conflict with the relevant provisions of Policy D1 of the Local Plan SS and Policy D5 of the Guildford Borough Local Plan - Development Management Policies 2023 ("the Local Plan DM"). These, amongst other things, address the need for high quality design which respect the living conditions of residential occupiers.

Noise

18. The appeal site is located near to an electricity sub-station, and the evidence suggests that airborne low level hum noises and vibrations through the ground could be emitted from the sub-station.
19. My attention is drawn to the extant decision where a very similar footprint and elevation design was approved by the Council. While this extant scheme is for an extension to the existing dwelling, 105 Guildford Park Road, rather than a new dwelling, the rooms closest to the substation would be similar in their use as bedrooms or habitable areas.

20. In coming to its overall findings in respect of the extant decision, the Council concluded that there were no side facing windows of the proposed extension serving habitable rooms that would overlook the substation. They also stated that the proposed door would be primarily for access, and this would ensure future living conditions were not materially harmed by noise pollution.
21. Additionally, the Council noted that the extension could be designed with different footings to the substation, and it has a fenced boundary treatment to mitigate some noise. Finally, the Council also acknowledged that the site is surrounded by roads with traffic and for all these reasons, the noise and vibration from the substation was considered to be acceptable.
22. There is limited documented evidence before me to suggest that there is a material difference between the extant scheme and the appeal scheme regarding noise impacts. As a result, it has not been robustly demonstrated that the proposed development would be subject to greater harm, from noise, over and above the extant scheme which was considered to be acceptable.
23. Consequently, it has not been clearly demonstrated that the proposed development would unacceptably harm the living conditions of future residential occupiers with particular reference to noise. The proposal would therefore accord with the relevant provisions of Policy D1 of the Local Plan SS and Policy D5 of the Local Plan DM. These, amongst other things, address the need for high quality design which respect the living conditions of residential occupiers.

Planning Balance

24. I have considered the West Surrey Strategic Housing Market Assessment for Guildford, Waverley, and Woking Borough Councils. The proposal would deliver one additional dwelling to the Council's housing stock in an urban area close to public transport links and a range of services and facilities. It is also presented as an affordable unit with intentions to operate in the Private Rented Sector. There would be economic benefits and additional environmental benefits which include carbon, energy, and water reductions with further opportunity for local material sourcing, home working, and biodiversity improvements. However, given the limited quantum of development proposed, I ascribe the cumulative impact of all these benefits moderate weight.
25. I have found no harm arising from the impact of noise upon future occupiers or amount of private outdoor amenity space for existing occupiers. However, the harm I have identified regarding the proposed floorspace and proposed private outdoor amenity space upon future occupiers would be long lasting and considerable. This harm attracts substantial weight.
26. I appreciate the Council found no other harm other than that which is set out in its decision. However, the absence of harm in these aspects has limited bearing on my overall findings. Accordingly, the harm I have identified would not be outweighed by the benefits to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.

Other Matters

27. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) require that permission may only be granted after having ascertained that it would not affect the integrity of a European site, such as a Special Protection Area ("SPA"). The evidence indicates that the appeal site lies within the buffer zone of the Thames Basin Heaths SPA, which is designated for its populations of heathland species of birds. However, given my overall conclusions, I do not need to carry out an appropriate assessment as required under the Habitats Regulations. I therefore do not need to consider this matter any further.
28. The appellant has expressed concerns that the Council did not discuss its objections with them during the application process. While this may be frustrating to the appellant, the Council is ultimately required to determine planning applications on their merits. The absence of negotiation or more general updates during the application lifecycle of this proposal does not materially affect my consideration of the planning merits of this appeal.

Conclusion

29. The proposal would conflict with the development plan when taken as a whole and for this reason the appeal should be dismissed. There are also no other material considerations of sufficient weight to indicate a decision should be made contrary to this conclusion.

N Praine

INSPECTOR