



Appeal Decision

Site visit made on 29 March 2017

by **David Cliff BA Hons MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th May 2017

Appeal Ref: APP/Y3615/W/16/3165546

10 Aldersey Road, Guildford, Surrey GU1 2ES

- 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 Farnham Park Estates Ltd against the decision of Guildford Borough Council.
 - The application Ref 16/P/01987, dated 25 August 2016, was refused by notice dated 22 November 2016.
 - The development proposed is the erection of 10 no. apartments following demolition of existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following this appeal the appellant has submitted a S106 agreement seeking to address the Council's third reason for refusal regarding the effect upon the Thames Basin Heath Special Protection Area (TBHSPA). The Council has subsequently confirmed that this obligation resolves this reason for refusal. I shall return to this issue later in my decision.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of nos. 8 and 12 Aldersey Road with particular regard to privacy.

Reasons

Character and appearance

4. Aldersey Road and the surrounding area is generally of a residential character with the majority of properties being substantially sized detached dwellings set in large plots. There are also examples of newer redevelopments, some of which contain flats. The existing dwelling on the site is of three storeys (including rooms in the roof) and includes a rather ungainly three storey flat roof extension.
 5. Whilst the overall depth of the proposed replacement building would be to a large extent disguised by the projecting wings, it would be of a very substantial width, significantly greater above single storey level, than the existing property and the neighbouring properties on Aldersey Road. Furthermore the
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- uppermost ridge lines of the roof of the proposed building would be noticeably higher than the ridge line of the two neighbouring properties. Whilst the distances to the boundary would be commensurate with several other properties in the road, the resulting development would be of a significantly greater size and massing than the large majority of other properties in the road.
6. I note that the design of the proposal has sought to break up the massing and length of the front elevation, including a recessed central section seeking to give the appearance of two linked buildings. Nevertheless, its effectiveness in doing so is greatly reduced given it only has a minimal set back from the projecting parts of the building with a similar small reduction in eaves height. Whilst the ridge line of the roof of the central section would be lower than the projecting parts, I consider that it only breaks up the overall massing of the development to a limited degree. In any case, I am not persuaded that the two linked buildings would be in keeping with the prevailing character of the streetscene which is predominantly characterised by detached buildings with a good amount of spacing between them.
 7. Whilst the appellant says that the proposed building is lower than the existing building, it is of a significantly greater width and massing in comparison to the existing building. Its overall roof form would also be of a considerably greater massing than that of the existing building and would be in contrast to the steeply pitched ridged roofs of several other properties in the road. The overall impact of its roof, including the several dormer windows, adds significantly to the overall massing and dominance of the building. I therefore consider that the impact of its height would be much more pronounced and intrusive within the streetscene.
 8. The appellant has provided evidence regarding the plots widths of properties on Aldersey Road and the west side of Hillier Road compared with the width of the actual buildings upon them. I acknowledge that this information shows that the built width of the appeal proposal as a proportion of the plot width would be less than the average. However, whilst this provides a helpful guide, it is only one factor to be considered and does not necessarily indicate that the development is acceptable in the context of the wider streetscene. In this case, from my observations at my site visit, the overall bulk and massing of the proposed development would be considerably greater than that of most existing properties within Aldersey Road. I also note that the appellant has sought to design the development so that it is indicative of a single large detached house. Nevertheless, the width of the proposal would be larger at two storey level than the great majority of other dwellings in the road. I consider that its size and massing would result in the proposed development appearing as excessively dominant within the streetscene, to the significant detriment of the character and appearance of the area.
 9. The existing trees and planting, to be retained as part of the proposal, would provide some screening from the road. However, this screening would not fully screen the proposal and would be less effective when the trees are not in leaf. Whilst the appellant has provided photographic evidence showing the extent of the screening in winter, it appears to me that although it may partially screen the proposal this would only be to a limited extent when the trees are not in leaf and does not satisfactorily mitigate against the harmful impacts of the

- proposal. It would therefore only reduce the impact of the proposal to a limited extent and not sufficiently to overcome the harm I have identified.
10. The appellant has drawn my attention to several other recent developments in the area of the site, all of which I observed at my site visit. Whilst they provide examples of recent permissions granted for new development, they do not represent a comprehensive portrayal of the prevailing character and appearance of the area. I am also not aware of the particular circumstances behind the approval of each scheme. Several are located some distance away from the appeal site and are on roads which have differences in character to Aldersey Road. I have therefore only given limited weight to the examples of other recent developments. I have considered the proposal before me on the basis of its own individual circumstances and merits.
 11. I acknowledge changes made in comparison to the previous appeal scheme¹ including the omission of the proposed development in the rear part of the site and the revised overall design approach including the attempt to shield any impacts from the crown roof and the rearmost part of the proposed building. However, notwithstanding that the scheme now proposed is of a different form, my concerns are generally consistent with the previous Inspector's concerns regarding the substantial scale and width of the previous proposal and the dominance of its front elevation.
 12. I conclude that the proposed development would be of an excessive scale, width and massing that would result in the proposed development appearing as unacceptably dominant within the streetscene to the significant detriment of the character and appearance of the area. It would be contrary to the relevant design aims of both saved policies H4 and G5 of the Guildford Local Plan 2003 and the National Planning Policy Framework.

Living conditions

13. The proposed building would contain ground, first and second floor windows in both side elevations. The first floor side windows on either side would be sole windows to bedrooms along with smaller windows serving a kitchen, also on each side elevation. The side elevations at second floor level would contain sole windows to a study on either side along with secondary roof lights to proposed bedrooms.
14. Existing mature tree screening is located on each of the side boundaries of the appeal site adjacent to the proposed building. Some, though not all of this screening is deciduous. However, it is relevant that during the summer months when the adjacent gardens are most likely to be most intensively used, the boundary screening would be particularly effective. When considering the distance of the windows from the more usable parts of the adjacent rear gardens, along with the existing screening, I do not consider that the proposal would result in an unacceptable loss of privacy for the occupiers of both nos. 8 and 12 Aldersey Road.
15. Although the windows would not be in identical positions to those in the 2006 appeal scheme², my findings on this matter are broadly consistent with the Inspector in that case who found that having regard to existing and proposed

¹ APP/Y3615/W/16/3147059

² APP/Y3615/A/05/1184409

new window positions and intervening vegetation, there would not be a significant reduction in privacy by way of overlooking.

16. The Inspector for the 2016 appeal raised no objection on grounds of overlooking finding that the effects from the proposed side elevation windows could be dealt with by means of a suitably worded condition. In this case, I do not consider it appropriate to impose a condition requiring the windows to be obscure glazed given that, with the exception of the roof lights, they are the sole windows to the particular living areas or rooms of the proposed flats. In any case, given my finding above I do not find that such a condition would be necessary.
17. I therefore find that the proposed development would not result in any significant loss of privacy for the occupiers of 8 and 12 Aldersey Road. It would safeguard the living conditions of the occupiers of these properties in accordance with the relevant amenity aims of saved policy G1(3) of the Guildford Local Plan 2003 and the Framework.

Other Matters

18. The appeal site is located within 5km of the TBHSPA and therefore the proposal would have the potential to adversely affect the integrity of the protected area. However, as noted earlier in this decision, following the submission of the appeal a S106 agreement has been completed between the appellant and the Council which includes provision for contributions (SANGS and Access Management and Monitoring) to be made to mitigate the impact of the development on the TBHSPA. I note that the SANGS contribution would be towards the maintenance of an existing SANG at Chanty Wood rather than for the provision of new SANGS. The Council has confirmed that this resolves its reason for refusal in this respect. In this instance this matter does not need to be considered further in view of my overall conclusions on the appeal.
19. The Council is unable to demonstrate that it has a 5 year supply of housing sites. The scheme would provide for 10 apartments (replacing three existing apartments) making a modest contribution towards the supply of housing in the Borough and helping to reduce the deficit in the Council's housing land supply. The site is located close to the centre of Guildford with opportunities to travel by alternative methods of transport to the private car. It would also have other, albeit in this case modest, economic benefits in terms of contributing towards job creation and supply chain investment through the construction stage along with increased demand for goods and services, and a New Homes Bonus Payment. It would also contribute towards creating a strong and vibrant community. I carry forward these benefits to my considerations below.

Planning Balance

20. The Council officer's report recognises that saved policy H4 of the Guildford Local Plan is out of date as the Council is not able to demonstrate a five year supply of deliverable housing sites. I agree that this policy is a relevant policy for the supply of housing for the purposes of this appeal as it could limit housing development. Paragraph 14 of the Framework requires that where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a

whole. The appellant also refers to policies H1 and H10 as being out of date although I have not been provided with copies of these policies and they are not referred to in the Council's reasons for refusal. In any case, this does not alter my findings regarding the relevance of paragraph 14 of the Framework.

21. Whilst being out of date, saved policy H4 is largely consistent with the aims of the Framework in terms of steering development towards urban areas and preventing adverse impacts. It therefore still carries substantial weight. However, it carries less weight than it would if there were a five year supply of deliverable housing sites.
22. I have concluded above that the proposal would be contrary to saved local plan policies H4 and G5 of the Guildford Local Plan 2003 as it would cause significant harm to the character and appearance of the area. Balanced against this is the contribution towards addressing any undersupply of housing that would result from the 10 proposed apartments. Neither of the main parties has provided details of the extent of the shortfall in the housing land supply. For the avoidance of doubt, and in the absence of any evidence to the contrary, I have assumed it to be a substantial and significant shortfall. Nevertheless, whilst the Framework seeks to boost the supply of housing, the development would make only a modest contribution towards housing supply in this case. The other factors considered as benefits of the scheme carry no more than limited weight in favour of the proposal.
23. Taking everything into account, I consider from the evidence before me, that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR