



Appeal Decision

Site visit made on 10 February 2015

by David Hogger BA MSc MRTPI MCIHT

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

Decision date: 16 February 2015

Appeal Ref: APP/Y3615/A/14/2220129

Surrey House and land to the rear of Warren Farm, White Lane, Ash Green, Aldershot GU12 6HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Amos against the decision of Guildford Borough Council.
 - The application Ref 13/P/01983, dated 7 August 2013, was refused by notice dated 11 March 2014.
 - The development proposed is the demolition of Surrey House and the formation of a new access to land at the rear and the erection of 72 two storey detached, semi-detached and terraced houses, with access roads, parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is for outline planning permission, with access to be considered at this stage and appearance, landscaping, layout and scale to be considered later. The submitted plans included a Site Layout (2101-C-1005-B) which is described as 'preliminary'. I recognise that the appellant is not tied to this plan and that there may be alternative ways of developing the site. Nevertheless the indicative layout is broadly defended by the appellant (for example in paragraph 6.6 of the Statement dated June 2014) and the application form specifically refers to the development of 72 dwellings, parking and amenity space. I have therefore attached weight to the Site Layout plan.
3. At the site visit there was some uncertainty regarding the exact delineation of the southern boundary of the site. It was agreed by all parties, however, that the site boundary as shown on submitted plan SH18588-03 (Tree Protection Plan) is correct and I have determined the appeal on that basis.
4. The appellant has submitted an executed legal agreement dated 28th August 2014 which the Council considers overcomes refusal reasons 4 and 5, and I agree. I have therefore determined the appeal on that basis.
5. Reference is made to policy RE4 of the adopted Guildford Borough Local Plan (2003) that relates to land classified as countryside beyond the Green Belt. The Council concludes that this policy does not conform to advice in the NPPF and therefore carries no weight (paragraph 2.1 of the Council's Statement). I agree and have determined the appeal on that basis.

6. The Council has identified this site as a proposed allocation for housing in its draft Local Plan Site Allocations Document. However, that document is in the early stages of preparation and therefore I can afford it very little weight.

Main Issues

7. The main issues are:

(1) Whether or not the site can satisfactorily accommodate the development proposed and in particular:

- the effect of the proposed development on existing trees, including the semi-natural ancient woodland that abuts the east and south of the site;
- the effect of the proposed development on the living conditions of nearby residents and the living conditions for prospective occupants of the proposed dwellings, particularly in terms of overlooking;
- the location of the affordable housing on the site;
- whether or not the proposal includes appropriate indicative car parking and children's play space provision;
- the effect of the proposed development on wildlife; and
- the adequacy of the proposed access.

And (2) The relationship between the proposed development and housing need in the Borough.

Reasons

Issue 1 - The Acceptability of the Proposed Development

Existing Trees and Semi-Natural Ancient Woodland

8. There are a significant number of protected trees along the boundary of the site, particularly to the east and the south – these being classified as semi-natural ancient woodland. The indicative site layout identifies a buffer between the trees on the eastern boundary and the proposed development, which it states would be transferred to a management company. However, no such buffer is proposed along the southern boundary and submitted plan SH18588-03 clearly demonstrates that many of the trees would be located within the gardens of the proposed dwellings and that the canopies of many trees would extend over large parts of the garden areas of, for example, plots 54, 55, 64, 65, 70, 71 and 72.
9. Although these trees are protected there may be pressure from future residents to undertake tree works in order that they can enjoy satisfactory living conditions in terms of outlook and light availability. Bearing in mind the proximity of the trees to the proposed dwellings and the fact that these trees are to the south of the proposed properties, I consider the threat to the future of the trees to be high.

10. National Planning Policy, at paragraph 118, confirms that development that would result in the deterioration or loss of ancient woodland should be refused, unless the need for and benefits of the development clearly outweigh the loss (I return to the benefits of the development under 'housing need'). Although not of statutory status, further advice is available in the 'Standing Advice for Ancient Woodland and Veteran Trees' published by the Forestry Commission and Natural England in April 2014. This implicitly advises, in paragraph 6.4, that if circumstances are such that buffer zones may be considered necessary then they should be at least 15m wide and should not include gardens because they could be paved or include inappropriate species which could escape into the woodland. The indicative layout plan does not reflect that advice, particularly along the southern boundary.
11. The matter then becomes whether or not the proposed development could be satisfactorily accommodated on the site, taking into account the need to afford greater protection to the ancient woodland. I consider that the provision of a buffer to the south would have significant implications for the layout of the proposed development and the number of dwellings that could be provided and that it has not been satisfactorily demonstrated that the current ambitions of the appellant could be achieved in these circumstances.
12. The appellant refers to an appeal decision at Billingshurst dated 27th March 2014¹. I do not have all the details of that case and in any event I am required to determine this appeal on its own merits. Nevertheless I note that the Inspector concludes in paragraph 27 that the weight of evidence supports the appellant's contention that the tree belt adjoining Marringdean Road (on the site) is not Ancient Woodland and that 'it is unlikely that there would be harm to Ancient Woodland' (paragraph 29). From the evidence before me I conclude that the appeal case at Billingshurst is not directly comparable to the proposal before me and therefore I afford it little weight.
13. On this matter I conclude that it has not been demonstrated that the site could satisfactorily accommodate 72 dwellings without significant harm to the semi-natural ancient woodland, particularly along the southern boundary. Saved policies NE5 and G1(12) of the Guildford Borough Local Plan (LP) seek to ensure that development would not damage or destroy protected trees or other natural features that are worthy of protection and this proposal does not meet that requirement.

Living Conditions

14. The Council expresses concern regarding the relationship between the proposed development and the living conditions of existing residents in adjoining properties. The distance and relationship between the proposed dwellings on plots 1 and plots 71 and 72 and the existing back gardens of nearby dwellings in White Lane could result in overlooking from first floor windows. However, bearing in mind this is an outline application, there is no reason to conclude that, all other things being equal, this issue could not be overcome with an appropriate re-arrangement of the plots on this part of the site.
15. In terms of the relationship between the existing dwellings in Hazel Road and proposed properties on plots 41 to 44 I am satisfied that there would be

¹ APP/Z3825/A/13/2200213

sufficient distance between them to ensure that the living conditions of existing residents in terms of outlook and loss of privacy would not be significantly harmed, especially as there is the potential to strengthen the planting along the joint boundary.

16. Although I conclude that there is a currently a risk that the living conditions of neighbours would be harmed, this is a matter that potentially could be satisfactorily addressed when details of the proposal are considered at a later stage in the planning process. It is nevertheless indicative that the proposal as submitted is not satisfactory and as it stands would not meet the requirements of LP saved policy G1(3) in terms of protecting the amenities of residents. Although this is not a matter on which my decision has turned, it adds weight to my overall conclusion.

Location of the Affordable Housing

17. Concerns have been raised by the Council regarding the provision of the affordable housing element of the proposal in only two locations. The inference is that the Council would rather see the affordable housing 'pepper-potted' around the site. The objective should be to achieve the creation of inclusive and mixed communities (NPPF paragraph 50) and the Planning Practice Guidance² refers to the achievement of greater social integration. The indicative layout would not achieve a high level of integration. Saved LP policy H11, advises that 'affordable housing should be dispersed in the scheme rather than concentrated in one place'. I do not interpret 'dispersed' as meaning situated in only two locations on the site and therefore I conclude that the requirements of saved policy H11 would not be met.

Car Parking

18. The Vehicle Parking Standards Supplementary Planning Document (September 2006) expresses the parking standards as maximum requirements but it is clear that the Council would expect the maximum standards to be achieved in developments of 15 dwellings or more and that in this case, the same standard should be applied to both affordable and market housing. The standard for this proposal would therefore be 1.5 spaces for a two-bed dwelling and 2 spaces for a three-bed house.
19. This standard would not be achieved across the site, for example in respect of the affordable housing units. The appellant argues that, overall, sufficient parking would be provided but it would be unreasonable to expect a property with an 'over-supply' of parking to meet the needs of a property with an 'under-supply'. On that basis I conclude that the parking standards would not be met and therefore the requirements of LP saved policy G1(1), regarding parking provision, would not be achieved.

Play Space Provision

20. The Council confirms that normally the provision of open space would be dealt with at reserved matters stage or by condition. However, I need to be satisfied that the site could satisfactorily accommodate the required provision. The appellants are proposing a Local Area of Play (LAP) by the site entrance, although there is also reference in their Statement to a play area in the middle

² Paragraph 017 under Design

of the site close to the eastern boundary (but this is not specifically identified on the Site Layout plan 2101-C-1005 B).

21. The Council considers that the proposed development should include a Local Equipped Area of Play (the requirements for which are set out in Annex 5 of the Council's Planning Contributions Supplementary Planning Document) but raises doubts about the potential location to the east of the site because that land may be required for an attenuation pond, to ensure satisfactory surface water drainage.
22. On the evidence before me I am unable to reasonably conclude that the site could satisfactorily accommodate the required play space or that the requirements of LP saved policy R2, with regard to open space provision, would be met.

Protection of Wildlife

23. The second reason for refusal refers to the need for an ecological assessment regarding the potential impact of the proposed development on dormice, slow worms, badgers and birds. The appellant has submitted, for example, an Ecological Appraisal and a Bat Survey Report and in their comments on the Council's Statement (dated 24th July 2014) they confirm that further survey work is being undertaken. I share the Council's concern that without the benefit of the additional survey work the impact of the development on the various species referred to above cannot be properly judged and the NPPF confirms the importance of conserving and enhancing biodiversity. However, I note that (were I minded to allow the appeal) the Council has suggested two conditions relating to additional survey work being undertaken in relation to dormice and slow worms (and this could be extended to include other species if appropriate) and requiring development to be undertaken in accordance with recommendations in the Bat Survey Report and Reptile Survey Report.
24. In this way I am satisfied that appropriate protection could be afforded to wildlife and that, subject to the findings of any further work and the introduction of mitigation measures if necessary, then the effect of the proposed development would not cause significant harm to the species referred to above.

Access to the Site

25. I am satisfied that a satisfactory access to the site (as shown on drawing 13/0111/001) could be achieved.

Conclusion on First Issue

26. I have attached significant weight to the protection of the semi-natural ancient woodland which I consider would be seriously threatened by the proposed development. I have also attached weight to the lack of evidence that would enable me to conclude that satisfactory parking provision and play space would be provided on the site. LP saved policies G1(1) and (12); H11; NE5 and R2, which all seek to secure a satisfactory standard of development, would not be met.
27. Although they are not matters on which my decision has turned I have also placed weight on the detrimental effect of the development on neighbours in White Lane (through loss of privacy) and the poor living conditions that would

be experienced by occupiers of, for example, plots 71 and 72 by reason of the extensive tree canopies extending across their back gardens.

28. Therefore on the first issue I conclude that the proposed development could not be satisfactorily accommodated on the site and that the indicative scheme represents an overdevelopment of the land. This conclusion is not outweighed by my findings with regard to wildlife protection and access to the site.

Second Issue - Housing Need

29. Although I have been given no substantive evidence on the matter, the Council confirms (in the Officers Report) that there is a significant need for housing (including affordable housing) in the Borough and bearing in mind the NPPF advises that the supply of housing should be significantly boosted, I have attached substantial weight to the existence of this unmet housing need.

Overall Conclusions

30. There is no dispute between the parties that, in principle, the development of this site would be acceptable. The issue therefore comes down to one of balancing housing need against the requirement for good design, including layout. I acknowledge that there is unmet housing need in the Borough. However, among the principles of the NPPF are the need to secure high quality design and a good standard of amenity for existing and future occupants; the conservation and enhancement of the natural environment; and the delivery of a wide choice of high quality homes. These principles have not been satisfactorily embodied in the outline proposal before me.
31. I have given careful consideration as to whether or not the issues I have identified could be satisfactorily addressed at a later stage in the planning process when the other reserved matters would be considered. However, the shortfalls in the proposal before me are of such significance that I do not consider they could be satisfactorily overcome without substantial changes to the submitted plans
32. My overall conclusion therefore is that the adverse impacts of the indicative scheme would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole. It has not been satisfactorily demonstrated that the site could accommodate the level of development proposed without material harm to matters of acknowledged importance and therefore, having taken into account all other issues raised, I conclude that the appeal should be dismissed.

David Hogger

Inspector