

## Planning Committee

16 September 2020

### Planning Appeal Decisions

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Guildford Borough Local Plan: strategy and sites 2015 - 2034 and the National Planning Policy Framework (NPPF) March 2012 and other advice. They should be borne in mind in the determination of applications within the Borough. If Councillors wish to have a copy of a decision letter, they should contact

Sophie Butcher (Tel: 01483 444056)

1.	<p><b>Mr T Mazhar</b> <b>54 Poyle Road, Tongham, GU10 1DU</b></p> <p><b>19/P/02062</b> – The development proposed is the erection of two semi-detached dwellings.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector's Conclusions:</b></p> <ul style="list-style-type: none"><li>• The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA).</li><li>• The appeal site comprises the side garden of a two storey dwelling at 54 Poyle Road. There is an existing chalet style dwelling on the other side of the site at 52 Poyle Road. The surrounding area is residential with varied dwelling forms and designs.</li><li>• An existing single storey extension and double garage have been demolished on the site. The proposed semi-detached dwellings would have a similar frontage design and height as No 54 and its semi-detached neighbour at 56 Poyle Road. Both proposed dwellings would have box-like rear dormers at second floor level within their bulky rear roofs. Such designed dormers dominate their rear roof slopes in a bulky and visually awkward manner.</li><li>• Such an adverse effect would be noticed from the road between the dwelling and the neighbouring dwelling at No.52. A 3D street elevation plan also shows part of it would be visible above the lower height of the neighbouring dwelling. Furthermore, the adverse impact on character and appearance would be noticeable from the rear of neighbouring properties.</li><li>• Rear dormers are the exception and where they are present, almost all are not as bulky as that proposed.</li><li>• There are permitted development rights for roof alterations to the rear of dwellings which can take the form of a box-like dormer. However, there is no evidence of the widespread occurrence of this occurring in the area. As such, the rear dormers on the new dwellings would not be visually attractive.</li><li>• Vehicle parking for both the proposed dwellings and the existing dwelling would be provided in front of the dwellings. Some landscaping has been provided but this would be insufficient to break up the extent of hard surfacing across the frontages of the dwellings. Along with private pedestrian footways, this would dominate the roadside.</li></ul>	<b>DISMISSED</b>
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	<ul style="list-style-type: none"> <li>• Such a hard surfaced and vehicle dominated layout would be visually unattractive and would be detrimental to the character and appearance of the area. In this regard, it would markedly detract from the nearby attractive open landscaped areas either side of the entrance into the housing area of the Cardinals.</li> <li>• The development would harm 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 policies G5 and H4 of the Guildford Borough Local Plan 2003 LP.</li> <li>• Priority species would be adversely affected by the proposal and there are no imperative reasons of overriding public interest for such a small-scale proposal. On this basis, the development would adversely affect the integrity of the SPA alone or in combination with other projects coming forward. For all these reasons, the proposal would conflict with policies P5 and ID4 of the LPSS, policy NE4 of the LP and policy NRM6 of the South East Plan (Sep) 2006.</li> <li>• The proposal would harm the character and appearance of the area and integrity of a SPA in conflict with LPSS, LP and SEP policies and the development plan taken as a whole. There are no material considerations to outweigh that finding. Therefore, the appeal is dismissed.</li> </ul>	
<p>2.</p>	<p><b>Mr John Allen</b>  <b>Health Centre, Allen Physiotherapy Rehabilitation, 60 Woodbridge Road, Guildford, GU1 4RF</b></p> <p><b>18/P/01571</b> – The development proposed is the conversion and extension of clinic (D1 Use) to a residential development of three single bedroom apartments and two two-bedroom apartments.</p> <p>Delegated Decision – To Refuse</p> <p><b>Summary of Inspector’s Conclusions:</b></p> <ul style="list-style-type: none"> <li>• The main issues are the effect of the proposed use on the living conditions of future occupiers with particular respect to noise from the existing adjacent business;</li> <li>• The effect of the proposal on future living conditions with respect to the size of the proposed accommodation, and</li> <li>• Whether the proposal would affect the integrity of the TBHSPA.</li> <li>• The appeal site consists of a semi-detached property. It is currently in use as a clinic. The adjacent semi-detached property is a music shop which I understand is open in the daytime throughout the week and weekend.</li> <li>• The appellant’s noise assessment was undertaken from within the appeal premises and concluded that noise break-in would be unlikely to be audible within the proposed flats. However, the appellant’s Acoustic Investigation and Insulation Assessment identified that guitar noise was clearly audible within the appeal property when played in the Bass or Guitar Boutiques.</li> <li>• The Hann Tucker Noise Assessment, undertaken on behalf of the Council, took noise level readings from each practice room. This provided an accurate measure of noise at source. The assessment concluded that a significant noise impact would occur that would jeopardise the future operation of the neighbouring business.</li> <li>• Although the majority of noise would occur in the daytime on weekdays, the intermittent nature of the activity from multiple sources within the music shop, would be likely to cause sustained irritation and harm to future occupiers.</li> </ul>	<p><b>DISMISSED</b></p>

	<ul style="list-style-type: none"><li>• The appellant as an agent of change, has therefore not convincingly illustrated that the proposal would function in harmony with adjacent existing uses. Consequently, there is a reasonable likelihood that even with the further attenuation a significant adverse effect would occur. This would impact on the living conditions of future occupiers of the proposal resulting in noise complaints that would affect the operation of the neighbouring business.</li><li>• Accordingly, the proposal would be contrary to saved policy G1 of the Guildford Borough Local Plan 2003 which seeks development to protect the amenities enjoyed by occupants from unneighbourly development in regard to various effects including noise. Furthermore, the proposed use would be contrary to the Framework which requires suitable mitigation to be provided where the operation of an existing business could have a significant adverse effect on new development.</li><li>• The scheme would satisfy policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (2019) (LP) which seeks development to conform to the nationally described space standards.</li><li>• Due to its proximity to the appeal site there is a reasonable likelihood that the SPA would be accessed for recreational purposes by future occupiers of the development. Although, this maybe minor by itself, a significant effect on the integrity of the TBHSPA would occur, when considered in combination with other residential development in the surrounding area.</li><li>• I conclude that the appeal proposal would conflict with the development plan when taken as a whole and does therefore not represent the sustainable development for which the Framework advocates a presumption in favour.</li></ul>	
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