

Planning Committee

5 October 2022

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 (sophie.butcher@guildford.gov.uk)

1. Tesco Stores

Retail Unit, Parklands, Railton Road, Queen Elizabeth Park, Guildford, GU2 9JX

20/P/01756 – The condition in dispute is No 37 which states that: The hours of operation of units within the commercial core application hereby approved are as follows: - Health and Fitness Centre – 7.00am-11.00pm seven days a week Children's Nursery 7.00am-7.00pm seven days a week A1 Retail Unit 7.00am-10.00pm Mondays to Saturdays and 10.00am-6.00pm Sundays. The reason given for the condition is: To ensure that the residential amenities of nearby properties are protected.

Planning Committee – Refused 31 March 2021

Officer's Recommendation – To Approve

Decision - ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area.
- The appellant has taken over the A1 retail unit (food store) element of the local centre. They seek to extend the operating hours for the food store from those originally imposed to between 6.00am and 11pm, 7 days a week. As part of this change, the appellant also seeks to retain the already approved amendment to condition 37 for the Health and Fitness Centre operating hours which were varied to between 6.30am and 11pm, 7 days a week (application reference 05/P/00793). The inclusion of this is not contested by any party.
- In relation to the Council's second reason for refusal, an agreement is before me which replicates the obligations associated with the original grant of permission. I note that the Planning Practice Guidance explains that in considering an application or appeal under section 73 of the Town and Country Planning Act (1990) (the Act), the focus will be on the disputed condition. With that in mind, there is nothing before me to indicate that any of the obligations would fail to comply with the requirements of the Framework or the Community Infrastructure Levy Regulations 2010 (as

amended), and there is no dispute between the parties regarding the acceptability of the agreement, having both signed it.

- Therefore, the main issue is the effect that varying the operating hours of the food store would have on the living conditions of nearby residents in relation to noise and related disturbance.
- The food store is within the established and well used local centre. It is centrally located with its entrance facing the office element of the scheme and its parking and service area between it and the health centre. On the opposite side of the unit is a veterinary surgery. Beyond that a formal sitting area, a large community building and then Railton Road with the nearest residential properties beyond.
- On visiting the site, I am satisfied that the local centre layout and location of the main entrance and service access, away from the nearby dwellings, would prevent disturbance from internal noise related to the food store operation. However, the operating of such a use is not limited to internal noise, and disturbance can be created by users and staff leaving and entering the food store on foot and by vehicle.
- The NA states that the proposed extension of hours would not have significant impact on noise disturbance for the occupants of the nearby dwellings excepting the proposed hours of between 6am to 7am on Mondays to Saturdays. It goes onto conclude that the 6am to 7am extension would likely have a moderate impact. Due to the location, operating hours of other surrounded uses and my observations on site I would agree with the NA's conclusions and note there is no evidence contrary to these findings. Therefore, I conclude that the proposed 6am to 7am extension would have a harmful impact on the living conditions of said occupants.
- The appellant is cognisant of this potential harm and has not provided any mitigating measures to overcome it. Nevertheless, they have conceded that operating hours between 7am to 11pm would be acceptable. The Council and interested parties, having had opportunity to comment, have not objected.
- I am therefore satisfied that varying the condition to reflect operating hours for the food store to between 7am to 11pm, 7 days a week would not harm the living conditions of nearby residents in relation to noise and related disturbance. This would comply with Policy G1(3) of the Guildford Local Plan 2003 and paragraph 130 of the Framework.
- I will grant a new planning permission with the amended condition, asset out in the main issue, but retaining those non-disputed conditions from the previous permission that appear still to be relevant. I have updated most of these conditions in align with the Council's suggestions, which have not been disputed by the appellant, save for minor amendments relating to consistency and clarity.
- As per the requirements of the original conditions, I have allowed for further amendments to external lighting schemes if necessary, and ensured the retention of the landscaping scheme, and road layout and visibility zones.
- I have also removed conditions relating to the arboricultural method statement, drainage details and certain materials. These were only required for construction or installation prior to first occupation (which has occurred) and did not include retention clauses.

2. Mr D Carmichael-Jack

Binton Hall, Binton Lane, Seale, GU10 1LG

21/P/00196 – The development proposed is the erection of a garage.

Delegated Decision – To Approve

Decision - ALLOWED

Summary of Inspector's Conclusions:

- The main issues are whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
- The effect of the openness on the Green Belt;
- if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
- Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within a list of exceptions. Policy P2 of the *Guildford Borough Local Plan: Strategy and Sites 2019* (LPSS) is consistent with this in that it gives a list of forms of development that are not inappropriate. The proposal would not meet any of the exceptions outlined within Paragraph 149 and Policy P2 and this does not appear to be disputed by the appellant.
- The proposed garage would not meet any of the exceptions set out in the relevant policies mentioned above. Therefore, the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149 of the NPPF, as detailed above, and Policy P2 of the LPSS which seeks to resist inappropriate development in the Green Belt.
- Openness is identified in the NPPF as one of the Green Belt's essential characteristics. Openness has a visual component and a spatial aspect. The boundaries of the site are well-screened with dense vegetation and mature trees although there are some gaps in-between the trees along the southern boundary. Given the location of the proposed garage and the presence of mature planting there would be no views of the garage from the wider countryside and only glimpsed views from Binton Lane. The garage would occupy an area currently devoid of a building. Accordingly, the three-bay garage would result in limited harm to the openness of the Green Belt.
- The NPPF highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the Green Belt is to be given substantial weight. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- In this regard, the appellant submits there is a fallback position as the Council has confirmed by way of the grant of a Certificate of Lawful Development in January 2021 (ref. 20/P/02010) that a garage of a comparable size and located to the south-west of the main dwelling and close to the ancillary pool building could be erected as Permitted Development (PD) under the terms of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- Whilst the Council questioned the feasibility and likeliness of erecting the garage granted in January 2021 and refer to an appeal (APP/Y3615/D/17/3190966 dated 6 April 2018) against a refused application (17/P/01917) for a garage at this site, I note that the appellant has submitted a signed Declaration of Intent (Appendix C of the appellant's appeal statement) confirming that the fallback scheme would be implemented if this appeal should be dismissed. Having been given the opportunity to comment on the Declaration, the Council have subsequently stated that it does add weight to the proposed fallback position by increased likelihood of implementation.

- Additionally, although the PD garage would be sited near the ancillary pool building and would remove a portion of landscaped garden area, there is nothing to suggest it could not be physically developed. In light of this, there is a real prospect the appellant would erect the PD garage and that this should be considered a true fallback position.
- The Council state that the proposed garage would extend the built form to a wider extent across the site and would have a greater impact on the openness of the Green Belt than would the PD garage. Whilst the proposed garage would introduce new built form in an area of the site that is currently undeveloped, I find that the PD garage would be awkwardly positioned. It would appear to overlap the existing driveway and would, given the topography of the site, be in a more prominent and elevated location than the proposed building. Moreover, the PD garage would also be more visible through the gaps in vegetation from the open countryside to the south, especially during the winter months.
- The fallback scheme would result in a cluster of buildings close to each other to the southwest of the house which would make this part of the site appear overdeveloped. It would also lead to the removal of an attractive and well-landscaped part of the garden close to and visible from the house and pool which contributes to the sylvan character of the Green Belt. On the other hand, the proposed garage would be tucked away close to the heavily screened western boundary.
- Drawing the above together, the fallback garage would appear more prominent than the proposed garage and would constitute a discordant addition to the site. It would thus have a greater adverse spatial and visual impact on openness. For these reasons, very substantial weight is attached to this consideration.
- The development causes harm to the Green Belt by way of inappropriateness and limited harm to its openness. These harms attract substantial weight. It is accepted that a garage of similar scale could be built using Permitted Development rights which would have a materially more harmful effect, spatially and visually, on the Green Belt. Moreover, for the reasons given above, if the appeal fails, it is likely that the garage would be built. On balance, the weight attributed to the fallback position is very substantial and outweighs the harm identified. Therefore, there are very special circumstances to justify the development.
- The Council's suggested conditions have been assessed against the advice on conditions set out in the NPPF and Planning Practice Guidance. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans to provide certainty.
- For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

3. Mr Matthew Mansell

The Hollies, Sandy Lane, Guildford, GU3 1HF

21/P/02693 – The development for which a certificate of lawful use or development is sought is the erection of outbuilding to rear of the property to be used ancillary to the use of the dwelling.

Delegated Decision – To Refuse

Decision - ALLOWED

Summary of Inspector's Conclusions:

- The main issue is whether the Council's refusal to grant the LDC was well founded. It is necessary to consider whether the proposed outbuilding would be granted planning permission by Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO).
- The main dwellinghouse is a detached two-storey building situated within a substantial plot. The proposed outbuilding is single storey with pitched roof.

- Class E of Schedule 2 Part 1 of the GPDO gives planning permission for '(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such...'
- The Council determined that owing to its excessive size, in relation to its indicated uses, the single storey outbuilding, would fall foul of the limitations and conditions of Class E of Schedule 2, Part 1 of the GPDO. The Council also state that the application fails to demonstrate that the purpose would be incidental to the dwellinghouse, and that no justification has been provided for the need for any of the proposed room uses or why these uses cannot be accommodated within the existing house. There is no dispute that in all other respects that the outbuildings would fall within the scope of Class E, and I have found no reason to disagree with these findings. The decision therefore turns on whether the building is for a purpose incidental to the enjoyment of the dwellinghouse.
- It has been established by case law that an incidental use should be functionally related to the primary use (as a dwellinghouse). By definition, then, an incidental use cannot be one that is integral to or part and parcel of the primary use. The functional relationship should be one that is normally found and not based on the personal choice of the user. Whether a use should be regarded as incidental will be a matter of fact and degree. It is necessary to identify the purpose and incidental quality in relation to the enjoyment of the dwelling and answer the question as to whether the proposed building is genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose. The size of the building in relation to the dwelling is relevant but not a conclusive factor.
- The outbuilding would be a substantial single storey building, divided into four separate rooms. The largest room would provide a medium sized home swimming pool with a bar area. There would also be an entrance lobby, a gym, and a shower/changing room. The leisure facilities provided would be for the use of the appellant's family.
- Case law has established that a wide range of activities are capable of being considered incidental to the enjoyment of a dwelling. The provision of a swimming pool and bar area could reasonably serve a purpose incidental to the enjoyment of the dwellinghouse, and it is reasonable for the appellant to want some circulation and relaxation space around the pool for their family to enjoy.
- It is not unusual to have a home gym or entrance lobby and these areas would not be excessive in size for their intended purpose. A shower room/changing area could be primary accommodation but, in this case, it would not be unreasonable to regard it as part of the incidental use with the gym and swimming pool. While the outbuilding would be large, the facilities it would provide would be reasonable in size and likely to be what is needed to achieve their purpose. I also observed that these facilities could not be accommodated within the existing house.
- The Council argues that the size of the outbuilding, and the areas provided for the pool, gym, and bar area, go beyond what can be considered incidental. However, for the reasons I have set out, I find that the purpose of the building would be incidental to the use of the dwellinghouse, and its size is what would reasonably be required to fulfil that purpose.
- On the evidence before me, I therefore conclude that the building would be required for a purpose incidental to the enjoyment of the dwellinghouse and would be permitted development by virtue of Article 3, Schedule 2 Part 1 Class E of the GPDO.
- For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of outbuilding to rear of the property to be used ancillary to the use of the dwelling was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the Act as amended.

4. Mr W Gong

32 Queen Eleanors Road, Guildford, GU2 7SL

21/P/02055 – The condition in dispute is No.3, which states that the rooflights on the main dwelling which serve the loft room in the East and West elevations of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Delegated Decision – To Approve

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is whether the disputed condition is reasonable and necessary in the interests of the living conditions of neighbouring occupiers at Nos. 30 and 34 Queen Eleanors Road, with regards to privacy.
- The appeal site comprises a two-storey detached dwelling on Queen Eleanors Road. It neighbours No. 30 to the west, a detached bungalow, and No. 34 to the east, a two-storey detached dwelling.
- Planning permission was granted at the site subject to numerous conditions, including that the rooflights on the east and west elevations of the appeal property would be fitted with obscured glazing and permanently fixed shut, unless more than 1.7 metres above the floor. This was in the interests of residential amenity and privacy. The rooflights have now been fitted.
- The properties are situated close together, with little separation distance between the respective side elevations. As such, it is possible that a degree of overlooking of the neighbouring dwellings could occur from unobscured rooflights on the eastern and western sides of the roof slope at the property.
- However, there are no windows on the facing elevation of No. 34 at this level, such that views in this direction from the rooflights at the appeal property would not look directly into habitable rooms. In addition, the height and angle of the rooflights relative to the neighbouring bungalow at No. 30 would also ensure no direct views into habitable rooms at this dwelling. As such, occupiers of these properties would not have their enjoyment of habitable rooms impacted by the proposal as there would be no loss of privacy.
- Views from the unobstructed rooflights towards the rear amenity spaces of Nos. 30 and 34 would be possible but largely peripheral. In any event, even when looking in the direction of the neighbouring rear gardens, due to the angles of the rooflights the views of these spaces would not be clear or direct. As such, an overall limited level of actual and perceived overlooking of these spaces would result such that the privacy of neighbouring occupiers would not be unduly harmed.
- Accordingly, the removal of the requirement for the rooflights at the property to be obscured would not result in unacceptable harm to neighbouring occupiers by way of overlooking. As such, condition 3 is neither reasonable or necessary in the interests of the living conditions of the occupiers of Nos. 30 and 34 Queen Eleanor's Road, with regards to privacy.
- I note that the appellant has sought the removal of the condition in the interests of light and ventilation, and that these are already adequately provided by the other windows at the property. I further acknowledge that it is unlikely the disputed condition would be applicable to the rooflight above the staircase, given its distance

from the floor. Nevertheless, I still consider that the condition is neither necessary or reasonable in the interests of residential amenity and privacy of neighbouring occupiers.

- For the reasons given above, the appeal is allowed, and the planning permission is varied by deleting condition 3.

5. Mr and Mrs S Cartwright

141 Farnham Road, Guildford, GU2 7RL

22/P/00420 – The development proposed is described as loft conversion to form habitable accommodation with rear dormer and rooflights to front elevation.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area, which includes the setting of the Onslow Village Conservation Area (OVCA).
- The appeal site is located within a row of detached two storey family houses. They are set back from and below Farnham Road by a narrow path and good-sized front gardens, which are both enclosed by hedges and trees. As a result, the dwelling is largely screened from Farnham Road. The dwellings along this stretch of Farnham Road occupy an elevated position with their generous sized rear gardens sloping down to Abbot's Close. Abbot's Close is a narrow single-track road, which primarily provides rear access to properties in Farnham Road and Manor Way.
- The appeal site sits just outside the Onslow Village Conservation Area (OVCA), whose boundary runs along the southern side of Abbot's Close. The OVCA comprises a large housing development whose layout, design and appearance follows that of the Garden City Movement. The layout, consistent design features and limited palette of materials together with the areas of open space, narrow roads and abundance of hedges, trees and soft planting all contribute to the character, appearance and significance of the OVCA.
- The appeal dwelling comprises a detached two storey house with a small projection to the front and both single and two storey projections to the rear. It has a fully pitched asymmetrical roof and the fenestration on the rear elevation is varied in size, form and alignment.
- The rear garden of the appeal property falls away from the dwelling and is separated from the property's pitched roof garage and parking area by a tall close boarded fence. The parking area is screened from Abbot's Close and the rear gardens beyond by a mature hedge. There are also outbuildings, tall fences, mature hedges and trees within the gardens and along the boundaries of the nearby dwellings on both sides of Abbot's Close.
- Overall, due to the narrow width of Abbot's Close, the existence of rear garages, fences and the abundance of hedges and trees, views of the appeal dwelling from Abbot's close are extremely limited and restricted to partial glimpses. Whilst views of the rear of the appeal dwelling would increase in the winter months, they would nonetheless remain very restricted. Similarly, any views of the rear of the appeal dwelling from the dwellings which front onto Manor Road are restricted.

- Amongst other things, paragraph 130 of the National Planning Policy Framework (the Framework), states that new development should be visually attractive as a result of good architecture; maintain a strong sense of place and add to the overall quality of the area. Policy G5 of the Guildford Borough Local Plan 2003 (LP) and policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LPSS), similarly require new development to achieve high quality design. It should respond to the distinctive local landscape character and integrate into the existing landscape. LP Policy H8 states that domestic extensions should not have an adverse effect on the character of the host dwelling, or its context and immediate surroundings.
- Section 1 of the Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD), acknowledges that the borough is diverse in character and that the guidance within the SPD cannot reflect every individual situation. Section 3.3 of the SPD states that the roof of a dwelling has a major impact on the dwellings character and forms an important role within the street scene. Accordingly, roof extensions should be sympathetic to the existing dwelling and the immediate street scene. Dormer extensions should normally be positioned to the rear of the property and should be sympathetic to the existing roof and the host property as a whole. They should normally be subordinate to the roof, sit below the ridge line and occupy no more than half the width or depth of the roof. The proposed fenestration should reflect the proportions and style of the existing windows and normally align with the windows below.
- The proposed extension would sit slightly below the highest roof ridge height. It would have a part flat and part hipped roof which would sit just within the ridge line and side hips of the existing roof, respecting the roof lines of the dwelling. The proposed dormer extension would occupy a recessed position behind the rear two storey projecting wing and would be clad in tiles to match the existing roof. As a result of these combined factors and notwithstanding its elevated position, the proposed dormer extension would respect and would be framed by and seen as an integral part of the existing main roof and recessed to the side of the existing rear projection.
- The proposed dormer extension includes a small narrow single pane window and a larger three pane window. Although this larger window would be wider than the windows immediately below, it would be narrower than other first and ground floor rear openings. Also, the design and proportions of both windows would respect the proportions and style of the existing windows which have strong vertical lines. The proposed windows would sit below the eaves level of the flat roof of the dormer, which would be consistent with the existing first floor windows, which sit immediately below the eaves line of the main roof.
- Overall, I find that the proposed dormer extension has been designed to respect and sit within the existing roof lines of the host dwelling. Given the asymmetrical design of the roof and the existence of a rear projecting wing, the design approach is logical. It ensures that the dormer extension would be readily assimilated into the existing roof form and would respect the character and appearance of the host dwelling and the surrounding area. As stated above views of the appeal dwelling from the surrounding area are extremely limited and other than at the rear entrance to the property, are restricted to partial glimpses.

- This includes in glimpses from within the OVCA, where the proposed roof extension would relate to a row of dwellings which are quite distinct in character and appearance to those within the OVCA. The proposed dormer extension would not be visible in views into the conservation area due to its siting in relation to Abbot's Close. For these reasons, the proposal would preserve the setting of the OVCA and would not result in any harm to its significance. Accordingly, the proposal accords with the requirements in Section 16 of the Framework, which seeks to ensure that proposals conserve and enhance heritage assets, including their setting, and do not result in harm to their significance. It is noted that the council share this view.
- Finally, the council has suggested the imposition of conditions which require the use of matching external materials and adherence to the submitted drawings. These conditions are necessary to ensure that the development respects and blends in appropriate with the host dwelling and in the interests of certainty.
- I conclude that the proposal would respect the character and appearance of the host dwelling, its context and the character and appearance of the surrounding area, including the setting to the OVCA. Accordingly, it would comply with LP Policies G5 & H8, LPSS Policy D1, section 3.3 of the SPD and paragraph 130 of the Framework.

6. Mr A MacFee

14 Orchard Road, Burpham, Guildford, GU4 7JH

21/P/01030 – The development proposed is described as extensions to and refurbishment of the retained 1902's house. Demolition of the 1970's detached garage, replaced with an annex.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the character of the existing building, the character and context of Orchard Road and the character of the surrounding area.
- Orchard Road is characterised by a diverse range of detached family sized houses with varied buildings lines and a mixture of sized gaps between individual dwellings. Most of the dwellings occupy generous sized mature landscaped plots and are set back from the road behind good sized front gardens that contain and are enclosed by mature trees, hedges and shrubs. This planting partially screens the dwellings from Orchard Road, which is narrow with grass verges and no pavements or street lights. These features contribute to the spacious, informal and verdant character and appearance of Orchard Road.
- The appeal site, which is irregular in shape, occupies a prominent position within a fork at the end of Orchard Road. The plot is wider than other plots within the road, although its gardens are not as deep. The appeal dwelling occupies a central position towards the front of the plot and comprises one of a number of Arts and Crafts style dwellings dating back to the 1920's within Orchard Road.
- The appeal dwelling is modest in size and is one, if not the smallest dwelling in Orchard Road. It has flat elevations under an uncluttered tile clad gable roof, with red brick chimneys at either end. The host dwelling's fenestration is modest, with strong vertical lines and the walls of the dwelling and flat roofed single storey side extension are rendered and painted white. Other older Arts and Crafts dwellings in Orchard

Road have similar features and have a variety of extensions. Although the flat roof of the single storey side extension fails to respect the character or appearance of the original dwelling, both on its own and together with the other Arts and Crafts dwellings and the trees and hedging around them, the appeal property makes a positive contribution to the spacious, informal and verdant character and appearance of Orchard Road.

- Set back from and to the side of the existing side extension is a modern garage which is utilitarian in design and appearance. It has a shallow pitched asymmetrical roof which is partly clad with plain tiles and partly by asbestos sheeting, galvanised steel doors and UPVC window and access door. Although this garage is unsightly, it is largely screened from the street scene by boundary hedges.
- Collectively and amongst other things paragraph 130 of the National Planning Policy Framework (the Framework), Policy G5 of the Guildford Borough Local Plan 2003 (LP), policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LPSS) and Policy B-FD1 of the Burpham Neighbourhood Plan (NP) require new development to be designed to a high quality and to reinforce local distinctiveness. New development should respond to the distinctive local landscape character and integrate into the existing landscape. It should be suitably designed within the context it is set; retain important landscape features; and ensure the scale, height and massing of buildings relate sympathetically to the surrounding area.
- LP Policy H8 states that extensions should not have an adverse effect on the character of the host dwelling or the context and character of adjacent buildings and the immediate surroundings. Section 1 of the Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD), states that the purpose of the guidance is to assist in the design of extensions and advises on the best way to provide extra accommodation. However, it also acknowledges that the borough is diverse in character and that the guidance cannot reflect every individual situation.
- Section 3.1 of the SPD explains that as a general rule side extensions should not be visually dominant and should be in keeping with the design of the original house. They should not exceed half the width of the house; be set back from the front building line; and maintain a gap of at least one metre between the extension and the shared boundary. It goes on to advise that there may be exceptions to this rule if the impact on the existing and neighbouring properties is limited or can be mitigated.
- Section 3.2 of the SPD relates to rear extensions and advises that proposals will be judged on a case-by-case basis. Amongst other things it advises that care should be taken to ensure the extension does not detract from the original house and the optimum length of a rear extension should reflect the scale and proportions of the host dwelling. Also, that variations can apply to detached houses depending on the size of the plot and the orientation of the dwelling in relation to neighbouring properties.
- Reference has been made to NP Policy B-EN1. However, this policy relates to back garden developments and so is not directly relevant. Notwithstanding this, the appellant has confirmed that the resultant built development would occupy less than 23% of the plot and so would comply with the ratio of buildings to gardens contained in this policy.
- The proposal seeks to redesign the dwelling, whilst adhering to an Arts and Crafts design approach and retaining/reflecting some of the key elements of the original

house. This includes its front elevation, fenestration, chimneys, ridge and front eaves height. It includes a first-floor extension above the existing flat roofed side extension, a two-storey extension on the opposite side of the dwelling and a two-storey rear extension.

- The proposed side extensions are each less than 50% of the width of the original dwelling and respect the proportions and fenestration of the host dwelling. By being located on either side of the original dwelling, the position and balance of the fenestration and chimneys remain unchanged. The proposed side extensions sit beneath new roof hips to the sides of the existing chimneys, ensuring that the main roof remains taller and symmetrical. The proposed front facing roof gable breaks up the horizontal lines of the dwelling and is a typical Arts and Crafts style feature.
- The same design approach has been used to the rear of the house, with the addition of a rear gabled wing and a catslide roof. Notwithstanding this, the original form of the dwelling is evident and has clearly influenced the proportions and design of the rear elevation.
- For these reasons, whilst changing the scale, simple form and appearance of the host dwelling, the proposal nonetheless respects its historic and architectural form. Whilst most extensions simply add clearly identifiable additions, by its wording the SPD acknowledges that other approaches can be taken.
- The original dwelling is centrally positioned at the head of Orchard Road and forms a focal point when walking down the road. With the proposal this will not change. The proposed roof hips fall away from the main roof on either side of the chimneys and the extensions would be visually balanced on either side of the original dwelling. Front gables are a common feature within Orchard Road as are windows within gables. There are also a range of dormer windows in Orchard Road, including flat, eyebrow and pitched roof recessed dormers.
- The proposed link attached annex would be set back from the front of the dwelling by in excess of six metres and would have a hipped roof. Within most of Orchard Road it would not be visible as it would be screened by the planting within the front gardens of the existing dwellings. From Belmont Place it would be largely screened by the appeal dwelling. Where it could be seen towards the head of Orchard Road and above the appeal sites boundary hedge, it would be recessed and partially screened by the proposed resultant dwelling. Due to its recessed position and lower hipped roof it would be recognisable as an ancillary domestic building.
- The gaps between the house and annex and the side boundaries of the appeal site would be comparable to that of other dwellings in Orchard Road. The gaps between the resultant development and other dwellings in Orchard Road would be generous. The hipped roofs and lower height of the ancillary outbuilding would add to the sense of space around the buildings. Similarly the catslide roof to the rear of the dwelling would contribute to the sense of space both to the side and rear of the dwelling.
- The depth of the front garden would remain unchanged and whilst the depth of the rear garden would be shorter than those along the main part of Orchard Road, it would be wider. The resultant front and rear gardens would also be larger than those of the dwellings in Belmont Place.
- The existing trees and hedges around the site make a positive contribution to the verdant character of Orchard Road. The proposed extensions would be of sufficient distance from the boundary hedges, not to have an adverse impact on their root

systems. The extensions are also sited outside the root protection areas of the existing trees along the rear boundary of the site. This includes the two Oak trees located in the northern and western corners of the site, which are of high quality and one of which is the subject of a tree preservation order.

- As shown on the submitted tree protection plan, ample space is left around the boundary trees for the erection of protective fencing. This would ensure that the existing boundary trees are not damaged during the construction of the development. As suggested by the council, protective fencing and appropriate protection during the construction period are a matter that could be secured through the imposition of a condition.
- The council has also suggested the imposition of conditions relating to the use of matching materials; the provision and retention of the parking area; the use of permeable materials within the driveway; and adherence to the submitted drawings. These conditions are all necessary to ensure the development respects the host dwelling and the context and character of Orchard Road; and in the interests of highway safety and certainty.
- As a result of these factors the proposal would not appear cramped on the site or within the street scene. The resultant siting, form, design and detailing of the dwelling would respect the original dwelling and would be readily assimilated into its surroundings. It is acknowledged that the proposal would change the simple form of the host dwelling, which has contributed to the character and appearance of the street scene. However, due to the nature and quality of the proposed design, the resultant dwelling would similarly form an appropriate focal point at the head of Orchard Road. It would make a positive contribution to the character, appearance and quality of the street scene.
- I conclude on the main issue that the proposal would respect the character of the host dwelling and the context and character of Orchard Road and the surrounding area. Accordingly, the proposal would comply with LP Policies G5 & H8, LPSS Policy D1, NP Policy B-FD1, the objectives of the SPD and paragraph 130 of the Framework.
- Having regard to the conclusion on the main issue and all other matters the appeal is allowed.

7. Mr W Gong

32 Queen Eleanor's Road, Guildford, GU2 7SL

21/P/01377 – The development is the conversion of a dwellinghouse to create 1 additional residential unit.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the effect of the development on (i) the character and appearance of the host dwelling and surrounding area; and (ii) the living conditions of future occupiers, with regards to outlook, light and provision of external amenity space.
- The appeal site comprises a substantial two storey detached dwelling set back from and facing the road. The surrounding area is residential, where large single buildings, set in individual expansive plots lend a pleasant spacious homogeneity which contributes positively to the character and appearance of the area.

- I accept that the appeal scheme would result in the general appearance of a single dwelling from the street. It would replace the front door with a modest window and a bay window with a garage door. Moreover, it would not have two front doors on the street facing elevation. Nonetheless, the function of the building and specifically the way each unit would be accessed would allude to there being two independent dwellings on the site. This resulting 'shared' plot would be at odds with the prevailing character as I have described it. The increase in usage of the site, with associated residential paraphernalia and additional cars would highlight this. As would the formalised allocated parking to the frontage which would, specifically, also lead to something of a cramped feeling, failing to respect the spacious aspects of the local plot sizes.
- The proposal would therefore have an adverse effect on the character and appearance of the host dwelling and surrounding area. As such, it would fail to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034, adopted 25 April 2019 (the GBLPSS) and the National Planning Policy Framework, which together seek to ensure good design.
- The living rooms at both properties would be in the middle of the dwellings. While they would have windows, these would face directly onto neighbouring side elevations and, in Unit 1, would be obscured glass. Accordingly, the living rooms would feel largely enclosed by nearby structures, leading to a poor and oppressive outlook, with limited light further contributing to a gloomy living environment. In addition, these rooms are not entirely open onto other areas on the ground floor, limiting the light from other rooms to reach these spaces.
- Similarly, the rear bedrooms at both dwellings would be served by windows which would be obscured but for a modest area of top panels. While this would provide adequate light and prevent overlooking, it would result in a poor outlook, being obscured glass at eye level. This would create an enclosed feeling for residents in a habitable room. As a result of the poor outlook in each of these rooms, and the limited light in the living rooms, enjoyment of the rooms by future residents would be negatively impacted, creating an unacceptable standard of living conditions.
- In addition, the rear garden at the appeal site would not be subdivided, such that one space would be shared by the residents of both properties. While it would be an adequate size, this would not provide the level of privacy expected of a rear amenity space for dwellings of this nature in order to support the range of uses reasonably expected of such space. As a result, it would be inadequate for the reasonable enjoyment of future occupiers.
- The Council has referred to the Residential Extensions and Alterations Guildford Borough Council Supplementary Planning Document, 2018 (the SPD) which advises that rooms requiring less privacy should face the street. As a garage would be positioned along the front elevation of Unit 2, this would align with the advice of the SPD. With regards to Unit 1, the kitchen would face the street. This is a habitable room where occupiers would reasonably expect a certain level of privacy. Due to the distance of these windows from the highway and the proposed front boundary treatment, I do not consider this privacy would be unacceptably compromised.
- For the reasons given above, the proposal would have a significant adverse effect on the living conditions of future occupiers with regards to outlook, light and provision of external amenity space. As such, it would fail to comply with Policies H1 and D1 of

the GBLPSS; Policy H4 of the Guildford Borough Local Plan 2003, the SPD, which together seek to ensure adequate living conditions. While the Council has referred to Policy G5 of the Guildford Borough Local Plan 2003, this appears to relate to design and thus is not directly relevant to this main issue.

- For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations worthy of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

8. Mr W Gong

32 Queen Eleanor's Road, Guildford, GU2 7SL

21/P/01411 – The development proposed is the change of use from residential C3 (dwelling House) to house of multiple occupation (sui generis).

Delegated Decision – To Refuse

Decision – REFUSED

Summary of Inspector's Conclusions:

- The main issues are the effect of the development on (i) the character and appearance of the host dwelling and surrounding area; and (ii) whether the proposal would provide adequate living conditions for future occupiers, with regards to noise and provision of adequate internal floorspace.
- The site comprises a substantial two storey detached dwelling set back from the road. I observed the immediate surrounds to be a quiet, residential area where large single buildings are set in individual expansive plots. It has a largely suburban feel created by the prevailing character of apparent family housing within the immediate vicinity.
- The proposal seeks to convert the property into a house in multiple occupation (HMO). While there would be 6 bedrooms at the site, it could house up to 10 individuals, such that the conversion would not benefit from permitted development rights. Several external alterations to the property are also proposed, including the creation of an additional vehicular entrance.
- While most surrounding plots have one vehicular access, this is not the case for all, with a dwelling opposite the site having two. As such, this addition would not appear out of place or unduly upset the pattern of development. Even with the additional access, the front elevation of the appeal property would preserve its appearance of a single dwelling. In addition, the front green space would retain an element of openness, preventing the site appearing unduly cramped or overdeveloped due to the second vehicular access.
- However, it is likely that occupants of the HMO would have individual domestic arrangements and schedules. As such, it is reasonable to conclude there would be a higher level of comings and goings than from a property occupied only by one family, who would likely share common activities and make shared trips.
- Based on the proposed occupancy level, these comings and goings would likely result in a significant increase in the level of activity associated with the property. This would lead to an increase in noise and disturbance. Given the lack of HMOs in the street, this noise and activity would be out of place in the quiet, suburban surrounds.
- I acknowledge other HMOs have been approved within the wider area. However, I have limited information on the specifics of the immediate surrounds where these

applications were approved and note that in one case reference is made to other HMOs nearby, Queen Eleanor's Road has no other HMOs and based on my observations the addition of the proposal would be out of place within this otherwise tranquil, residential setting.

- The proposal would therefore have an adverse effect on the character and appearance of the surrounding area. As such, it would fail to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034, adopted 25 April 2019 and the National Planning Policy Framework, which together seek to ensure development respects surrounding character.
- It is unclear from the submitted plans whether the floorspace for proposed en-suites would include areas under the stairs. If this were the case, I agree that, due to inadequate headspace, the size of these rooms would be unusable. However, it has been confirmed by the appellant that the floorspace calculations do not include space under the stairs, leaving an area of 3.5 sqm per en-suite. I consider that this, while small, would be an adequate and reasonable space for the comfortable use of these rooms. I further consider based on the information and plans provided that there would be adequate, useable space in the loft bedrooms so as to ensure the living conditions of future occupiers are not compromised in this regard.
- Concerns have also been raised regarding noise, and the lack of submitted information on soundproofing. The proposed conversion to HMO use would inevitably lead to more people with individual schedules living at the property. As such, I acknowledge that there would be potential for additional noise within the building, particularly in the shared areas on the ground floor.
- While bedrooms would be located directly above these communal areas, this is not an uncommon arrangement, even in HMOs and the proposal would have to ensure a degree of sound proofing to comply with building regulations. In any event, had the proposal been acceptable in all other aspects, I am satisfied that the Council's concerns could be addressed by way of a suitably worded condition requiring approval of a noise impact assessment prior to the commencement of development.
- For the reasons given above, the proposal would provide adequate living conditions for future occupiers with regards to noise and the provision of internal floorspace. As such, it would comply with Policy G1 of the Guildford Borough Local Plan 2003 and the National Planning Policy Framework, which together seek to ensure adequate living conditions.
- For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations worthy of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.
- **COSTS – REFUSED**
- The appeal was against the refusal of planning permission for the change of use from residential C3 (Dwelling House) to house of multiple occupation (sui generis).
- Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The applicant contends that the Council has acted as such in: not determining similar cases in a consistent manner; making vague and generalised

assertions about the proposal's impact; delaying the decision; and failing to inform the applicant who was part of the decision-making process.

- The applicant states that the Council did not deal with similar cases in a consistent manner, citing examples of other HMO development in the wider area that have been permitted and a similar front layout permitted at the site. However, assessment on the setting of a development as a whole must be done on a case-by-case basis given that the circumstances of each case will differ. This issue is a matter of planning judgement. It will be seen from my decision that I afforded limited weight to the other applications and developments cited and it was not unreasonable for the Council to do the same.
- The applicant further argues that the Council made vague and generalised statements in its assessment. However, the Council clearly set out the various reasons why the proposal should be refused, with specific reference to the development plan and other material considerations. The statements made are not vague or generalised. Whilst it will be seen from my decision that I have taken a different view from the Council on a number of matters, overall its decision is not so inadequate or irrational as to amount to unreasonable behaviour.
- With regards to the time taken to make the decision, I acknowledge that the parties agreed an extension until 10 September. While no further extension was agreed, and it is unfortunate that the Council further delayed the decision, the applicant was kept up to date via regular communication from the Council as to the status of the application until the issue of the decision. Even acknowledging the delay, I do not consider that the Council acted unreasonably in this regard.
- Finally, while the applicant was not provided contact details for each person at the Council who was reviewing or advising on their application, on the basis of the evidence provided they were informed as to the case officer. This is standard practice and does not amount to unreasonable behaviour on the part of the Council.
- therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated, and an award of costs is not justified.

9. Mr A Richards

52 and 54 Weyside Road, Guildford, Surrey, GU1 1HX

20/P/01900 – The development proposed is described as the demolition of two semi-detached houses and two semi-detached replacement houses.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The demolition of the original dwellings due to poor structural integrity is not contested by any party. This appeal, therefore, turns on the impacts of the proposed replacements.
- The 4 main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of the occupants of Nos 50 and 56 Weyside Road with specific regard to outlook and privacy; c) the appropriateness of the Flood Risk Assessment (FRA) in determining the proposed development's effect on the flood risk for the surrounding area; and d) the setting of the River Wey Navigation Conservation Area (CA).

- The appeal site is situated on Weyside Road and forms part of a row of semi-detached residential properties which back onto the River Wey. The properties are generally similar in style with hipped roofs and side facing frontages. They all follow a similar building line set back behind small front gardens, usually behind low boundary treatments, and with driveways to the side. To the rear the gardens are reasonably sized and slope gently to the river. The similarity form and appearance, and the cadence created by the regular spacing between properties characterises Weyside Road.
- The appeal site constitutes 2 residential plots. Although demolished, the originally dwellings were similar in size, form, and appearance to the neighbouring properties with parking to the sides. However, they were located further back in the plot so had larger front gardens.
- Although the proposal retains the semi-detached form of the previous properties, they would be substantially larger. The proposed new building would be nearly as wide as the site. Both properties would include accommodation in the roof space, requiring small side gables breaking into the half-hipped roof form and rear facing dormer windows. They would both also have single storey rear extensions to increase ground floor space. This means that the proposal would look oversized in relation to other properties along Weyside Road. It would considerably reduce the space between the new properties and the adjacent semi-detached pairs and include design features, such as forward-facing front doors and side gables, which would out of character with its surroundings.
- The set back location would draw attention to the new building and due to the site narrowing towards the river further exacerbate the visual impact of the width of the proposal. That the previous dwellings were similarly located on the site is noted. Nevertheless, there is no policy requirement for replacement dwellings to replicate original positioning.
- The proposal would also prioritise parking to the front of the new properties and not garden. Front gardens form an important part of the surrounding area creating a more verdant character to the road and ensuring the street scene is not dominated by hard standing. The lack of front gardens within the proposal undermines this character and would negatively impact on the appearance of the site as well as its relationship with the road.
- Consequently, the proposal would significantly harm the character and appearance of the area. This would be contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS); saved Policy G5 of the Guildford Borough Local Plan (LP), and paragraph 130 of the National Planning Policy Framework (the Framework) insofar as they relate to design, character and appearance.
- The rear gardens of the properties on Weyside Road are open in aspect with views over the water. However, the gardens do have limited privacy, restricted mainly to the areas close to the rear of the properties. This is due to mutual overlooking between properties and the reciprocal views from the footpath on the opposite side of the river.
- The proposed front elevation would be broadly in line with the rear elevation of No 50 and setback entirely behind No 56. The proximity of the proposal to the boundaries with Nos 50 and 56 means the full depth and height of the proposed side elevations would border a large part of the rear gardens of both properties.

- Although the proposal would not affect the views across the river for Nos 50 and 56, it would significantly curtail the characteristically open aspect to the rear for both properties. The proposed 2-storey height would enclose the garden immediately to the rear of each property, dominating that space and harming the outlook for the occupants of both Nos 50 and 56.
- The proposed forward-facing windows would provide direct views into the rear windows and garden of No 56. This would constitute a significant loss of privacy for the occupants of that property. The ability to see into the garden from across the river, and the proposed use of obscure glazing for side facing windows does not alter the unacceptable relationship between the rear of No 56 and the front windows of the proposed dwellings.
- Therefore, the proposed development would significantly harm the living conditions of the occupants of Nos 50 and 56 Weyside Road with specific regard to outlook and privacy, contrary to LP Policy G1(3) insofar as it relates to neighbouring occupants living conditions.
- The appeal scheme would conflict with the development plan as a whole, for the reasons given above. There are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal should, therefore, be dismissed.
- **COSTS - REFUSED**
- Appeal made by Mr A Richards against Guildford Borough Council. The appeal was against the refusal of planning permission for the demolition of 2 semi-detached houses and 2 semi-detached replacement houses.
- The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour can be considered as either substantive or procedural in nature.
- The applicant considers that the Council behaved unreasonably on procedural matters by not issuing a decision for 19 months. On substantive matters the unreasonable behaviour is cited as not referring to the previous permissions or taking into account the need for demolition thus requiring a new planning application; by not commenting on the submitted floor risk assessment (FRA); and by not taking into consideration a lack of policy change since the previous approved extension applications.
- The time taken for the decision to be issued was considerable, and the Council have explained this to be the result of high workloads, COVID19 emergency restrictions and a lack of staff. The applicant at any stage after the expiration of the statutory time limit (as set out in article 34 of the Town and Country Planning (Development Management Procedure (England) Order 2015 (as amended)) could have submitted an appeal against non-determination as well as enacting the planning guarantee. As such there were other courses of action open to the applicant that could have expedited the issuing of a decision, and these were not taken.

The application was submitted after the substantial demolition of the original dwellings and the permissions to extend them have expired. Therefore, if the original dwellings still stood new planning applications would have needed to be submitted for the extensions. Notwithstanding this the demolition of the

- dwellings requires planning permission. The planning process allows for applications to be submitted retrospectively to ensure, along with other reasons, that when works must be undertaken for safety reasons (as in this case) there is a procedure to allow for the appropriate permission to be sort after the fact. The requirement by the Council for a new planning application to cover the demolition and replacement is not therefore inappropriate nor unreasonable.
- It is a matter of fact that the appeal site is partially within Flood Zones 2 and 3 and as such an FRA would be required, details of which are set out within the National Planning Policy Framework and Planning Policy Guidance. The submitted information does not comply with or answer the objectives set out in the guidance and therefore is not adequate or appropriate. However, the Council could have been more proactive on this matter and provided the applicant with more details as to what an appropriate FRA of this nature should include, even if it was clear the application was going to fail, rather than simply disregarding the information submitted. This could have allowed the applicant the opportunity to rectify this matter and removing a reason for refusal. Nevertheless, the removal of this reason for refusal would not have made the proposed development acceptable as it was refused on multiple grounds, so in this case, the lack of proactivity does not constitute unreasonable behaviour.
- It is noted that the policy position should have been the same for the previous extension applications and the application which forms the basis of this appeal. However, the application being appealed also includes the considerations relating to the demolition of the original dwellings and the construction of new dwellings, and therefore is materially different. Nevertheless, the Council did ultimately issue a reasoned decision notice citing relevant development plan policies which complies with section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended. The Council's position in respect of the scheme is therefore a matter of planning judgement and fairly substantiated.
- I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

10. Mr M Keane

Land between Smugglers End and Merlins, Smugglers Way, The Sands, Farnham, Surrey

21/P/00535 – The development proposed is erection

Planning Committee – Refused 8 Sept 2021

Officer's Recommendation – To Approve

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the effect of the proposal on character and appearance of the host dwelling and surrounding area; and
- The effect of the proposal on the living conditions of the occupants of the neighbouring property at No.100 Broad Street, with particular regard to light and outlook.
- The appeal property is a two-storey semi-detached dwelling located on the northern side of Broad Street. It features an existing part two-storey part single storey rear extension as well as a small rear dormer window. On my site visit, I observed that the neighbouring property at No. 100 Broad Street also features small single storey rear

and side extensions however my attention has been drawn to the fact that the adjoining dwelling benefits from planning permission for the construction of a two-storey rear extension with a pitched roof (ref. 20/P/00643) granted in May 2020.

- The appellant has highlighted the fact that the amended design with the pitched roof would mirror the two-storey extension at No.100 granted in 2020 however as I have found that it would be prejudicial to the Council and neighbouring residents to include amended plan nos. 20001 Rev. 3 and 90001 in my decision-making, I must therefore consider the proposal as it was originally submitted.
- The proposed two-storey rear extension would feature a flat-roofed element at first floor level which would jar with the appearance and form of the appeal dwelling which is characterised by a pitched roof at the rear. I find that it would appear awkward and bulky and, as such, I concur with the Council that the flat roofed element would detract from the character of the dwelling.
- Furthermore, the proposed enlargement of the dormer window would also add considerable bulk to the roof given it would occupy almost the entire depth of the rear roof slope. I find it would appear excessively large and would further extend the amount of flat roof. Also, as it would sit awkwardly on top of the proposed first floor element, it would be read as an incoherent and disproportionate addition to the property.
- The architectural form of the resultant dwelling would appear disjointed and top-heavy and would fail to harmonise with the surrounding context given there are no properties in the vicinity which feature flat roofs at first floor level.
- The proposal would therefore adversely impact the character and appearance of the host dwelling and surrounding area. It would conflict with Policy D1 of the *Guildford Borough Local Plan: Strategy and Sites* document (LPSS), Saved Policy G5 of the *Guildford Borough Local Plan 2003*, the National Planning Policy Framework (NPPF) and the 'Residential Extensions and Alterations' Supplementary Planning Document (SPD) which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie.
- In light of the two-storey rear extension permitted at No.100 as part of application ref. 20/P/00643, the proposed first floor infill extension would not project beyond the neighbour's rear elevation. The proposed development would flank the adjoining two-storey extension and would thus not appear overbearing or result in a loss of light and outlook for the neighbouring occupiers.
- The proposal would therefore not adversely impact the living conditions of the neighbouring occupants with regards to a loss of light and outlook. It would not conflict with Policy G1 of the *Guildford Borough Local Plan 2003*, the NPPF or the SPD which together seek to ensure proposals do not harm the amenities enjoyed by neighbouring occupants.
- Although the proposal would not harm the living conditions of the neighbouring occupiers, it would adversely impact the character and appearance of the host dwelling and surrounding area. Given this, the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the NPPF, which outweigh this finding.
- For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

11. Amalfi Investments LLP

Land at 19 Pilgrim's Way, Guildford, GU4 8AD

21/P/01201 – The development proposed is formation of vehicular access and erection of a two-storey dwelling on land to the rear of 19 Pilgrims Way with associated parking and landscaping.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the effect of the proposal on the character and appearance of the area; and
- The effect of the proposal on the living conditions of existing and future occupiers of no 19 Pilgrims Way, with particular regard to outlook.
- The appeal site lies within an established residential area predominantly characterised by large dwellings set within verdant and extensive grounds. The majority of the properties are set back from the road, with clearly defined frontages to the street. These characteristics give the locality a pleasant and spacious suburban feel. The appeal property, an imposing two-storey house, and the large size of the plot reflect the prevailing pattern of development.
- The subdivision of the appeal site to enable the construction of an additional dwelling would significantly reduce the spacious nature of the plot, which presently makes an important contribution to the character of the surrounding area. Whilst a reasonably sized garden would be provided as part of the development, the scale of the new dwelling would be excessive and appear as a disproportionate addition relative to the size of the plot.
- The proposal would sit as an uncharacteristic and discordant feature, which would fail to reflect the prevailing pattern of development in the locality. My attention has been drawn to other examples of infill developments, for instance at no's 5, 7 and 7a Pilgrims Way, but these appear to have successfully blended into their surroundings, as they are to a very large extent hidden by mature vegetation. There is a separate dwelling to the rear of no 9 Pilgrims Way, a Grade II listed building, but the subdivision of the plot is not particularly obvious within the street scene, and, in the absence of further information, I am unable to ascertain whether the details of this particular scheme are comparable to the appeal scheme. Whilst no 19 Pilgrims would to a degree screen the new house, the incongruous nature of the proposal would nevertheless be visible from neighbouring properties and would also be evident within the public realm, notably due to the proposed access.
- The creation of a narrow vehicular access along the boundary shared with no 17 Pilgrims Way and erection of close boarded fencing would emphasise the severance of the plot. It would also appear far from subtle, especially as the area proposed for hedgerow planting is unlikely to thrive in such a narrow space, and thus would be ineffective in softening the visual impact caused by the subdivision of the appeal site.
- My attention has been drawn to a development within relative proximity to the appeal site, at no 5 Echo Pit Road, where planning permission has recently been granted for the demolition of the existing house and the erection of two dwellings

with garages. As shown on the presented evidence, the new dwellings both front Echo Pit Road and the circumstances of this development do not therefore represent a direct parallel to the appeal scheme. The appellant's submissions have referred to a number of other backland developments, but these have taken place in the context of a different road frontage and are therefore considered of limited relevance to the proposal before me.

- For the foregoing reasons, the proposal would harmfully erode the character and appearance of the area. It would therefore fail to accord with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (LPSS), Saved Policy G5 of the Guildford Borough Local Plan 2003 (LP). Amongst other things, these require new developments to achieve high quality design that responds to distinctive local character of the area in which it is set. The appeal scheme would also be contrary to Section 12 of the National Planning Policy Framework (the Framework) and the National Design Guide, which seek to ensure that development proposals are influenced by local character and the characteristics of existing built form.
- The proposed dwelling would be sited to the rear of no 19 Pilgrims Way, and on higher ground than this existing property. As part of the development, a close boarded fence would be installed on the boundary shared by the two houses, and tall bay trees would also be planted to provide additional privacy. The windows sited on the southern elevation of the new dwelling would not serve habitable rooms and are proposed to remain obscure glazed.
- Whilst the property would be constructed on higher ground, the proposed two-storey element would be sited at reasonable distance away from no 19 Pilgrims Way. And although I have reservations regarding the vegetation's ability to develop in such a constrained area (between the garage and the fence) and thus provide screening, the separation distance would ensure that the development does not appear overbearing or oppressive, when viewed from no 19 Pilgrims Way or its rear garden.
- Given the above, I am satisfied that the appeal scheme would have no unacceptable effect on the living conditions of the neighbouring occupiers of no 19 Pilgrims Way, having particular regard to outlook. There would consequently be no conflict with Saved Policies G1(3) and H4 of the LP which require the amenities enjoyed by occupants of buildings to be protected from unneighbourly development, as well as paragraph 130 of the Framework.
- The appeal scheme would contribute towards housing supply and choice. It would also support the local economy to some extent. However, these benefits would be outweighed by the harm which the proposal would cause to the character and appearance of the area. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

12. Black Onyx Projects Ltd

Land to the rear of 164-176 New Road, Chilworth, GU4 8LX

21/P/01761 – The development proposed is formation of vehicular access and erection of 5 no. two storey dwellings on land to the rear of 146-176 New Road with associated parking and landscaping.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the effect of the proposal on the character and appearance of the area and;
- Whether the proposal would provide a satisfactory living environment for the intended occupiers of the development, having particular regard to the size of the accommodation; and
- The effect of the proposal on the living conditions of the neighbouring occupiers of no's 174 and 176 New Road, having particular regard to noise and disturbance.
- The appeal site lies within an established residential area typically characterised by dwellings with clearly defined frontages to the street and set within long but relatively narrow plots. The detailed design of the properties and spacing between buildings, together with the established landscaping, give the area a pleasant feel. Infill developments have also become an important aspect of the character and appearance of this area and have generally been carried out in a comprehensive manner.
- The site is adjacent to the railway line and currently forms part of the garden area of no's 174 and 176 New Road, which also extends to the rear of several other residential properties. The proposal would represent a significant intensification of development on the site, not only in respect of the number of dwellings relative to the size of the plot, but also the footprint of the buildings and hardstanding areas required for the provision of access and parking.
- By reason of the restricted depth of the site and its overly complicated layout, some of the dwellings would sit tightly against at least one of their side boundaries. The dwellings would not benefit from front gardens and would have little defensible space. These various elements are symptomatic of a proposal which would lead to the creation of a cramped and congested form of development and cause significant harm to the surrounding area. The piecemeal approach of the scheme would also be evident, in that it would fail to have regard to the alignment and pattern created by other infill schemes which have been completed in the locality.
- The harm would be exacerbated by the loss of vegetation required as part of the development, not only for the construction of the houses but also the creation of the vehicular access. The proposed built forms and hardstanding would leave limited scope for the provision of meaningful landscaping to soften the visual impact of the development. It is for instance regrettable that the main view from the driveway would be onto the side boundary of plot 5, which would also be surrounded by hardstanding. This is not a matter which in my view could be satisfactorily addressed by condition.
- For these reasons, the appeal scheme would cause unacceptable harm to the character and appearance of the area and would therefore fail to accord with Policy

D1 of the Guildford Borough Local Plan 2015-2034 – Adopted 25 April 2019 (the 2019 LP), Saved Policies G5 and NE5 of the Guildford Borough Local Plan 2003 – Adopted January 2003 (the 2003 LP). Amongst other things, these policies seek to ensure that all new developments achieve high quality design that responds to distinctive local character of the area in which it is set. Similarly the proposal would be contrary to paragraph 130 of the National Planning Policy Framework (the Framework) and the National Design Guide, which seek to ensure that new developments function well and add to the overall quality of the area.

- The Council has raised concerns regarding the living environment which would be created for future occupiers of the development, having particular regard to the size of Bedroom 2, as shown on the proposed floor plans for the new dwellings. Policies H1 and D1 of the 2019 LP require new residential development to conform to the nationally described space standards as set out by the Government. The standard notably requires single bedrooms to have a floor area of at least 7.5 square metres.
- The amended plans submitted by the appellant during the course of the appeal show minor alterations to the first-floor internal layout of the proposed dwellings, which in effect increase the size of Bedroom 2. Whilst these changes would reduce the size of the bathroom for each unit, these would have no negative effect on the living environment which would be created for future residents. Accordingly, I am satisfied that the proposed houses would provide a satisfactory living environment for future occupiers, and thus find no conflict with Policies H1 and D1 of the 2019 LP.
- The proposed driveway would be adjacent to the side boundaries of no's 174 and 176 New Road and run along the entire length of their rear gardens. However, these neighbouring properties front a busy thoroughfare, and their rear boundary is adjacent to the railway line. In this context and having regard to the available evidence, which includes a Noise Review, the additional vehicular movements generated by five additional dwellings would be limited. Noise levels associated with car movements would in all likelihood remain acceptable and relatively brief.
- It is also reasonable to expect that some form of boundary treatment would be installed along the side boundaries of these neighbouring properties, which would to some extent soften noise levels. Overall, the appeal scheme would not therefore cause significant harm to the living conditions of the occupiers of no's 174 and 176 New Road, or affect the enjoyment of their rear garden, having regard to noise and disturbance. There would consequently be no conflict with Saved Policy G1(3) of the 2003 LP, which seek to ensure that the amenities enjoyed by occupants of buildings are protected from unneighbourly development, notably in terms of noise.
- The appeal scheme would make a contribution towards housing supply and choice, as support the local economy to some degree. However, these benefits would be outweighed by the harm caused by the proposal. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

13. Mr G Burton

Manaton, Mount Pleasant, West Horsley, Leatherhead, KT24 6BJ

22/P/00117 – The development proposed is described as alterations to existing loft with addition of two dormers.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the character and appearance of the host pair of semi-detached dwellings and the character of the immediate surrounding area.
- Mount Pleasant is characterised by a broad range of detached and semi-detached bungalows, chalet bungalows and two storey houses. The pairs of semi-detached dwellings are symmetrical in appearance and include a number of dwelling types and designs that are repeated within the road. This symmetry makes a strong contribution to the ordered and uncluttered character and appearance of the street scene.
- The appeal dwelling comprises one of a pair of symmetrically designed semi-detached chalet bungalows. The pair of dwellings have fully hipped roofs; matching front projections with hipped roofs; and front dormer windows sitting alongside each other. To the rear they similarly have small projecting rear wings, although the adjoining dwelling, Elmside, also has a large flat roofed dormer window.
- The rear garden of the appeal property abuts the rear gardens of the dwellings fronting onto Cranmore Lane, which are included in the West Horsley Conservation Area (WHCA). The WHCA encompasses the core of the village and includes a diverse range of buildings of different ages and constructed from a range of materials, including flint, brick, render exposed timber framing and plain clay tiles. The WHCA also includes farmland and farm buildings located to the west of The Street. This diverse mix of buildings and rural land, together with the abundance of trees, hedges, narrow roads and verges contribute to the varied rural village character, appearance and significance of the WHCA.
- Together and amongst other things, paragraph 130 of the National Planning Policy Framework (the Framework), policy G5 of the Guildford Borough Local Plan 2003 (LP) and policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LPSS), require new development to be visually attractive as a result of good architecture; maintain a strong sense of place; and respond to the distinctive local landscape character. Policy WH2 (ii) of the West Horsley Neighbourhood Plan 2016–2034 (NP) is consistent with this.
- Sections 1 and 3 of the Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD), state that the purpose of the guidance is to assist in the design of extensions and provides advice on ways to provide extra accommodation. It explains that the roof of a dwelling has a major impact on the dwelling's character, which forms an important role within the street scene. The SPD advises that dormer roof extensions should normally be positioned to the rear of the property and should be sympathetic to the existing roof and the host property as a whole. They should normally be subordinate to the roof, sit below the ridge line and occupy no more than half the width or depth of the roof. The proposed

fenestration should reflect the proportions and style of the existing windows and normally align with the windows below.

- The proposed rear dormer extension would be comparable in scale and position to the existing dormer extension to the rear of Elmside, although it would have a crown roof as opposed to a flat roof. The crown roof and walls of the proposed rear dormer would be clad in plain tiles to match and blend in with the existing roof. It would sit slightly below the main ridge line and both above and recessed back from the existing eaves line. The proposed rear dormer would be contained between the existing chimney and the rear projecting wing. Although not in alignment with those below, the proposed windows would respect the proportions and strong vertical lines of the existing windows.
- As a result of these factors, although the proposed rear dormer extension would exceed half the width of the existing roof, it would be visually contained and would respect and blend in readily with the roof-scape of the pair of dwellings. As stated in Section 1 of the SPD the borough is diverse and varied in character. Whilst the guidance indicates the most common planning and design considerations which should be taken into account, it cannot reflect every individual situation.
- Conversely, the proposed side dormer would project out from the main side roof-slope of the dwelling, to the rear of the hipped front projecting wing. As a consequence, it would dilute and detract from the existing roof design. In particular, it would detract from the detailing of the deep and wide main hipped roof, the roofline of the front projecting wing, the symmetry of the pair of dwellings and the uncluttered roof-scape within the immediate area.
- This harm would outweigh the benefits for the appellant and their family that would result from the proposed additional accommodation. Further, it is not something that could be adequately dealt with through the imposition of conditions.
- It is acknowledged that a nearby dwelling has side facing dormers. However, this relates to a detached dwelling and the dormers are on both sides the roof-slope. As such the roof of the dwelling is symmetrical in appearance when viewed from Mount Pleasant.
- Concerning the WHCA, Section 16 of the Framework states that when considering the impact of a development on the significance of a designated heritage asset, including its setting, great weight should be given to its conservation. Any harm resulting from development within its setting should require clear and convincing reasons.
- The proposed dormer windows would be partially screened from the rear gardens of the adjacent dwellings in Cranmore Lane by mature planting and trees. They would be fully screened from Cranmore Lane by buildings, fences and planting. As such the proposal would preserve the WHCA and would not detract from its significance.
- Finally, in view of my findings regarding the acceptability of the proposed rear dormer extension, I have considered the possibility of issuing a split decision. However, as the proposed dormer extensions are physically and functionally connected through the proposed internal layout, in this instance this is not possible.
- I conclude that the proposal would unacceptably harm the character and appearance of the host dwelling, the pair of dwellings and the immediate surrounding area. Accordingly, it would conflict with LP Policy G5, LPSS Policy D1, NP Policy WH2 (ii), section 3.3 of the SPD and paragraph 130 of the Framework.

14. Mr Matthew Christie

3 The Cottages, 220 Epsom Road, Guildford, GU1 2RG

21/P/02028 – The development proposed is described as proposed single storey side and rear extension.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the scale and character of the host dwelling and the character of the surrounding area.
- The appeal site is located within a mixed commercial and residential area fronting Epsom Road. The Paddock is a small residential lane comprising individually designed family houses constructed from a range of materials. The dwellings occupy varied sized plots, which are primarily separated from each other by mature hedges. Their informal layout together with the stone wall adjacent to the appeal property, the narrow width of the lane and the abundance of trees and soft planting contribute to the informal and verdant edge of settlement character and appearance of the lane.
- The appeal site is located adjacent to the junction of Epsom Road and The Paddock. The site is screened from Epsom Road by mature planting and trees and is separated from The Paddock by a tall stone wall, with planting on both sides. The appeal dwelling comprises a modern detached one and half storey family house with a hipped crown roof. It is one of three dwellings which front towards Epsom Road, although the side boundary of the property is immediately alongside The Paddock.
- Amongst other things, paragraph 130 of the National Planning Policy Framework (the Framework), states that new development should be visually attractive as a result of good architecture; maintain a strong sense of place and add to the overall quality of the area. Paragraph 134 of the Framework states that development that is not well designed should be refused. Consistent with this policies G1 & G5 of the Guildford Borough Local Plan 2003 (LP) and policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LPSS), require new development to achieve high quality design. It should respond to the distinctive local landscape character and integrate into the existing landscape. LP Policy H8 deals with extensions to dwellings and states that they should not have an adverse effect on the character of the dwelling, its existing context and immediate surroundings.
- Section 3.1 of the Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD), explains that as a general rule side extensions should not be visually dominant or exceed half the width of the house and should be set back from the front building line. It advises that there may be exceptions to this rule if the impact on the existing and neighbouring properties is limited or can be mitigated.
- Section 3.2 of the SPD states that the primary consideration for single storey rear extensions is the impact on the rear amenity space and that of the neighbouring property. Applications will be judged on a case-by-case basis. Care should be taken to ensure the extension does not detract from the original house and the optimum length of a rear extension should reflect the scale and proportions of the host dwelling. Variations can apply to detached houses depending on the size of the plot and the orientation of the dwelling in relation to neighbouring properties.

- The single storey side element of the proposed extension would be set back from the front building line of the host dwelling. The front section of the side extension would fill most of the gap between the side wall of the host dwelling and the existing stone boundary wall, which is in excess of two metres in height, with planting projecting above it. This part of the extension would have a crown roof which would match that of the host dwelling; the front wall of the extension would be finished with brickwork to match the host dwelling; and the front timber framed window would respect the proportions and detailing of the existing windows.
- The rear section of the side extension and the rear element of the overall extension would project 4.3 metres beyond the rear building line of the host dwelling. They would share a flat roof with three lantern rooflights within it and their brickwork walls would match the host dwelling. Whilst the rear elevation of the rear/side extension would be largely glazed, it would be contained within the rear garden and would respect the strong horizontal lines of the host dwelling.
- In these respects, the proposed side/rear extension would respect and blend in appropriately with the scale and character of the host dwelling. Also, as the part of the extension that sits to the side of the existing dwelling ranges from 2.1 to 3.2 metres wide, it would comply with the width guidelines set out in the SPD.
- However, this is not the end of the matter. The existing side stone boundary wall occupies a prominent position close to the entrance to The Paddock and makes a valuable contribution to the character and appearance of the lane. The appellant has confirmed that this boundary wall would be retained and would screen the rendered flank wall of the side extension. The retention of the boundary wall would be important both due to the contribution it makes to the street scene and because, although render is used elsewhere within The Paddock, it is not used along boundaries. Due to its combined height, length, rendered finish and siting within The Paddock, the flank wall of the proposed side extension would appear stark and suburban, should the boundary wall be removed. It would unacceptably detract from the character and appearance of the lane.
- If the boundary wall is to be retained, it is unclear how the rendering of the flank wall of the proposed extension would be achieved. The appellant has advised in their appeal statement that the gap between the boundary wall and the flank wall of the proposed side extension would be filled with render. However, the size of the gap between the flank wall of the extension and the boundary wall is not stated and the submitted drawings indicate that the rear part of the side extension kinks away from the boundary wall. They also appear to show that the flank wall of the proposed side extension would be set in from the eaves line of the proposed extension. As the boundary wall is not shown on the drawings it is unclear whether the proposed eaves would sit inside the wall or overhang it.
- Overall, there is a lack of clarity concerning the proposed relationship between the flank wall of the side element of the proposed extension and the boundary wall. Whilst these are small details, they have the potential to have a material impact on the effect of the proposed extension on the character and appearance of the host dwelling and the street scene. As such, it is not a matter that could be satisfactorily dealt with by condition. It is also not a matter that could be dealt with by requesting revised drawings, as any such drawings would need to first be formally considered by the local planning authority.

- This uncertainty over the impact of the proposal on the character and appearance of the host dwelling and the surrounding area outweighs the benefits for the appellant and their family that would result from the proposed additional accommodation.
- For these reasons I conclude that, on the basis of the drawings and information submitted, it has not been demonstrated that the proposal would respect and blend in appropriately with the character and appearance of the host dwelling and the character of the surrounding area. Accordingly, it fails to comply with LP Policies G1, G5 & H8, LPSS Policy D1, section 3 of the SPD and paragraph 130 of the Framework.

15. Mr Graham French

30 Litchfield Way, Guildford, GU2 7QH

21/P/02701 – The development proposed is described as development of a rear dormer.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposal on the character and appearance of the surrounding area, Onslow Village Conservation Area (OVCA) and the significance of the OVCA.
- The character, appearance and significance of the OVCA essentially relate to its design as a 'Garden City estate' modelled on the ideas of Ebenezer Howard's Garden City Movement.
- The dwellings occupy mature landscaped gardens and face towards narrow roads, often with planted verges and interspersed with areas of open space. The dwellings are harmoniously designed to relate to each other and their positions within the street scape. They are constructed from a limited palette of materials and typically, have uncluttered, steeply pitched roofs, with prominent front facing gables and prominent chimneys. Below roof level the windows are made from timber and have small panes. All of these features contribute to the cohesive village character and appearance of the OVCA and its significance.
- As advised in the officer report, the OVCA Study and Character Appraisal advises that roof dormers are likely to disrupt the simplicity and clean lines of the villages roofscape and to avoid their insertion.
- The appeal dwelling is located close to the junction of Litchfield Way and Vicarage Close. It comprises one of a pair of symmetrically designed two storey houses with hipped roofs, large projecting gables at either end and chimneys located centrally and to the rear of each gable. The pair of dwellings are set back from the road behind modest front gardens that are enclosed by hedges.
- To the rear the appeal dwelling has a two-storey extension with a hipped roof, which projects across approximately half the width of the dwelling. It is similar to the rear projecting wing of the adjacent semi-detached dwelling at 28 Litchfield Way. The appeal dwelling also has a single storey rear extension with a flat roof and large areas of glazing. At roof level the appeal dwelling has three modest sized rooflights within the main roof-slope. Beyond the appeal dwelling the rear garden falls away towards the rear gardens of the adjacent dwellings in Curling Vale.
- As indicated by the appellant, within the rear garden environment and this part of the OVCA, there are a number of dwellings with dormer extensions. I am not aware of all of their ages or planning status, although note that some pre-date the current

development plan policies, supplementary advice and/or the National Planning Policy Framework 2021 (Framework).

- Overall, I find that the existing dormer extensions have assimilated into the roofscape with varying degrees of success. The larger box style, flat roofed dormers, which project close to the ridge and eaves lines are particularly prominent. Both individually and collectively they have started to erode and detract from the ordered and uncluttered roofscape. Some of the smaller dormer extensions, particularly those on bungalows and chalet bungalows, have been more successful in blending in with the character and appearance of their host buildings and the OVCA. Accordingly, rather than set a precedent, the existing dormer extensions in the surrounding area serve to illustrate how some roof additions have materially detracted from the character and appearance of the dwellings concerned, their setting and the OVCA. They reinforce the need to assess each proposal on its individual merits and in light of the prevailing planning policies.
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when assessing proposals for new development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance. Section 16 of the Framework states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against any public benefits that would result from the proposal.
- Policy D3 of the Guildford Borough Plan: Strategy and Sites 2019 (LPSS) and policy HE7 of the Guildford Borough Local Plan 2003 (LP), are consistent with this. LP Policy HE7 (3) states that consideration has to be given to the impact of development on the townscape and roofscape of conservation areas.
- Amongst other things, paragraph 130 of the Framework states that new development should be visually attractive as a result of good architecture; maintain a strong sense of place and add to the overall quality of the area. Consistent with this LP Policy G5 and LPSS Policy D1 require new development to be designed to a high quality. Development should respond to the distinctive local landscape character and integrate into the existing landscape. Section 1 of the Council's Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD), states that the purpose of the guidance is to assist in the design of extensions and advises on the best way to provide extra accommodation, whether they require planning permission or fall within permitted development tolerances. Section 3.3 of the SPD explains that the roof of a dwelling has a major impact on the dwellings character, which forms an important role within the street scene. As such, roof extensions should be positioned to the rear of the property and should be sympathetic and usually subordinate to the existing roof and the dwelling as a whole. Roof extensions should usually sit below the ridge line and occupy no more than half the width or depth of the roof. The proposed fenestration should reflect the proportions and style of the existing windows and normally align with the windows below. Notwithstanding this advice the SPD acknowledges that the borough is diverse in character and that the guidance cannot reflect every individual situation.

- The proposed rear dormer would occupy an elevated and prominent position within the rear garden environment. It would project across a significant proportion of the main rear roof-slope and would sit a short distance below the main ridge and above the ridge line of the projecting rear extension. The proposed dormer extension would have a primarily flat roof, which would project out from the existing roof plane by approximately 2.5 metres and its rear elevation would sit close to the rear eaves line. The inner edge of the proposed dormer's roof would be hipped, which would leave space around the central chimney, resulting in an asymmetric roof design. The proposed rear fenestration would be full height and its depth and proportions would be materially larger than those of the first-floor window below it.
- As a result of these factors, notwithstanding the use of tile hanging to match the existing roof, the proposed dormer extension would look unduly bulky and top heavy, both in relation to the roof and rear elevation of the dwelling. The roofline of the proposed dormer extension would appear awkward and due to its combined height and width the proposed fenestration would exacerbate the bulky, top heavy and prominent appearance of the dormer extension. It would unacceptably harm the appearance of the host dwelling, the pair of dwellings and the roofscape as a whole. When viewed from within the surrounding rear garden environment, from between dwellings in Curling Vale and from the footpath between Curling Vale and Vicarage Gate, it would materially detract from the character and appearance of the host building, surrounding area and the OVCA.
- Due to its siting on the rear roof slope of the appeal dwelling the harm the proposed dormer extension would cause to the significance of the OVCA would be modest and so less than significant. However, as required by paragraph 202 of the Framework, this harm needs to be weighed against any public benefits resulting from the proposal.
- During its construction, the proposed dormer extension would provide direct and indirect employment and so would contribute to the local economy. In addition, the proposal would make full and effective use of the existing building and enhance its energy efficiency. However, both individually and together these public benefits would clearly fail to outweigh the harm that would be caused to the significance of the OVCA.
- It is acknowledged that the proposed scheme does not affect the front roof-slope of the dwelling, the groupings of the dwellings or any trees. Also, that the chimney is retained, and matching materials are used. However, the absence of harm to these features does not mitigate the harm that would be caused by the proposal. Further, the harm to the character, appearance and significance of the OVCA that would be caused by the proposed development would outweigh the personal benefits for the appellant and their family that would result from the proposed additional light, headroom and increased insulation within their existing second floor bedroom.
- Finally, it is acknowledged that, if located outside the OVCA the proposal may fall within the permitted tolerances for a rear dormer extension and so would fall outside the scope of the policies and proposals within the development plan. However, as the proposal is within a conservation area, it needs to be assessed against the prevailing policies and advice. Although some of these policies may be old, in relation to the LP policies cited above, they are consistent with the Framework and the LPSS.

- I conclude that the proposal would materially harm the character and appearance of the host dwelling, the surrounding area and the OVCA. The less than significant harm the proposal would cause to the significance of the OVCA would not be outweighed by any public benefits. Accordingly, the proposal would conflict with LP Policies G5 & HE7, LPSS Policies D1 & D3, section 3.3 of the SPD and Section 16 and paragraph 130 of the Framework.
- The conclusion on the main issue amounts to a reason for dismissing this appeal, which could not be satisfactorily addressed through the imposition of conditions.

16. Mr Norman Lott

Manor House Cottage, Mill Lane, Pirbright, GU24 0BN

21/P/01753 – The development proposed is the erection of an oak framed home office/garden store replacing an existing garden store outbuilding.

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The appeal site is within the Green Belt and therefore the main issues are whether the proposal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies;
- the effect of the proposal on the openness of the Green Belt; and,
- would any harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- The appeal site is a detached dwelling situated in a secluded plot at the end of a private road. There is an existing outbuilding that provides garden storage which is located to the north of the dwelling and adjacent to a large, paved, area. The proposal would remove this existing structure and erect a larger outbuilding that would accommodate both garden storage and office space. The proposed outbuilding would overlap the footprint of the existing garden shed to a small degree and would be positioned closer to the main dwelling.
- Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 outlines that the construction of new buildings should be regarded as inappropriate, save for a number of exceptions. One of these is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- The evidence indicates that the proposed outbuilding would have a floor area of approximately 28 square metres, which would represent an 86% increase from the 15 square metre footprint of the existing outbuilding. The height of the proposed eaves would be broadly similar to the existing, however the proposed ridge height would be approximately 4.3 metres compared to the 2.5 metre ridge height of the existing building. While the use of the proposed outbuilding is the same as the one it replaces, the proposed scheme would have a comparatively considerably larger size.
- Overall, the proposed outbuilding would be materially larger than the outbuilding it replaces. As such, it would not meet the required criteria of the Framework exception and therefore would constitute inappropriate development in the Green Belt. It would conflict with Policy P2 of the Guildford borough Local Plan 2015-2034, adopted

April 2019, which seeks to ensure that the Green Belt is protected against inappropriate development.

- Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- The appellant has directed my attention to case law that has clarified the consideration of openness. Both the Turner¹ and Euro Garages Ltd² cases relate to an exception to inappropriate development which allows for limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing development. The Samuel Smith Old Brewery (Tadcaster)³ case relates to a proposal for mineral extraction which was considered against a different exception that requires such development to preserve the openness of the Green Belt.
- In these exceptions, there is direct reference to considering the impact on openness in reaching a view as to whether the development would be inappropriate in the Green Belt. Whereas this appeal scheme is considered against an exception which requires that a replacement building is in the same use and not materially larger than the one it replaces. As this exception does not reference the impact on openness, as a direct element of assessing whether it would amount to inappropriate development, I do not find these cases to be directly relevant to my consideration of this appeal.
- The proposal would result in a larger outbuilding at the site than the existing structure. This additional size would reduce the openness of the Green Belt to a small extent. However, given the proposal's secluded position and its close visual and spatial relationship with the main dwelling, the impact on openness would be very limited. Despite the proposal's proximity to the dwelling and the increased openness of the north end of the plot through the removal of the existing outbuilding, the proposal would have a greater footprint and height and so, while very modest, would lead to an overall reduction in openness.
- The proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The very limited harm to openness would also add to this harm. Paragraph 148 of the Framework specifies that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. The other considerations do not carry significant positive weight and so do not clearly outweigh the harm identified. As such, the very special circumstances that would be needed to justify the proposal do not exist.
- Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.