

Planning Committee

7 September 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. Mr and Mrs Leyland

3 Michael Lane, Guildford, GU2 9LB

21/P/02608 – The development proposed is loft conversion including rear dormer and 3 x skylights on the front door.

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 property and the surrounding area.
- The appeal site is located on the western side of Michael Road which is a residential road within the Queen Elizabeth Park estate. The character of the area is a planned estate, made up of a mixture of detached, semi-detached and flatted developments of two and three storeys in height with an "Arts and Crafts" feel. The roof treatments are equally varied with examples of hipped, gable and cat-slide roofs.
- The rear dormer extension would be of generous proportions with a flat roof. As such, it would not comply with the advice in the Residential Extension and Alterations: Guildford Borough Council Supplementary Planning Document 2018 (SPD) that promotes subordinate pitched roof dormers which are less than half the width of the roof. However, there are several smaller flat roof rear dormers at Nos 5, 7 and 11 Michael Lane, and a larger flat roof dormer extension at No 6 Knox Road, which is akin to the appeal proposal. These are visible from several public vantage points, including Wake Close at the rear of the appeal site. Within this context, the proposed development would not appear as an incongruous feature to either the host property or wider area.
- The dormer would be set appreciably lower than the ridge of the main house, as well as set in from both flanks. Therefore, while not strictly in accordance with SPD guidance, the appeal proposal would not look out of proportion in relation to the host dwelling. The dormer would be compatible with local character, materials and detailing and so it would cause no harm to the visual qualities of the existing property, Michael Road or the surrounding Queen Elizabeth Park estate.

- The development also includes three front rooflights. The Council and appellant agree that these would cause no harm to the host property and the surrounding area, particularly in light of other examples in the vicinity. I concur with this assessment that this part of the proposal would not harm the character and appearance of the host property or Queen Elizabeth Park estate.
- Therefore, I conclude the development would not harm the character and appearance of the host property and the surrounding area. In these regards, it would comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites, adopted April 2019 and saved policies G5 and H8 of the Guildford Borough Local Plan adopted January 2003. Amongst other things, these require new development to achieve high quality design, to respect the distinctive local character and to be compatible with the surrounding area.
- I have imposed conditions requiring commencement of development within three years, and development to be in accordance with the approved plans for certainty. I have also attached a condition requiring the use of matching materials in the interests of a good quality appearance to the development. I have considered these in relation to the tests within paragraph 56 of the National Planning Policy Framework 2021 and find that they are necessary in this case.
- I conclude that the appeal should succeed.

2. Mr and Mrs G Pashley

4 Lime Close, West Clandon, GU4 7UL

21/P/01049 – The development proposed is construction of two storey rear extension.

Delegated Decision – To Refuse

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 NPPF and development plan policy;
- The effect of the proposal on the openness of the Green Belt;
- The effect of the development on the character and appearance of the area; and
- 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.
- The appeal property comprises a detached two-storey dwelling situated at the end of a cul-de-sac and located in an established residential area within the Green Belt.
- Paragraph 149 of the NPPF states that new development is inappropriate in the Green Belt unless it falls within the given 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. Exception (c) addresses the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Having regard to extensions to buildings, Policy P2 of the Local Plan states that the “original building” shall mean the building as it existed on 1 July 1948, which is consistent with the definition set out within Annex 2 of the NPPF.
- The Council states that the proposed extension, combined with previous extensions, would represent a 76.1% increase in external floor area over the original building. Whilst the development plan does not refer to a defined way of assessing and measuring proportionality, national guidance does provide some guidance on measuring ‘proportionality’. The NPPF refers to ‘size’ which can, in my view, refer to volume, height, external dimensions, footprint, floorspace or visual perception.
- The proposed uplift in floorspace would be significant with the resultant external floor area increasing from an existing 223.89 sqm to 271sqm as proposed, but from an original

floorspace indicated by the Council to be 153.88 sqm. An increase in floorspace of this scale would not be considered to be proportionate in the context of the size of the original dwelling, and furthermore, the increase in roofscape and built form at first floor level of the dwelling would result in greater visual bulk. Therefore, I conclude that the scale of the extension, taken in combination with previous extensions, would represent a disproportionate addition over and above the size of the original building.

- On this basis, the proposal would be inappropriate development in the Green Belt and would conflict with Paragraph 149(c) 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. The additional bulk and volume as a result of the two-storey extension would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt.
- Furthermore, the considerable increase in floorspace, first-floor bulk and the volume of roofscape means the proposal would also have a greater visual impact on the openness of the Green Belt. However, as the development would be located to the rear of the property, it would not feature prominently in the streetscene. I also note that the rear boundary of the appeal site is heavily screened with mature vegetation. As a consequence, the development would not be easily visible to the occupiers of neighbouring properties on Lime Grove to the north of the site. The side boundaries, on the other hand, are quite open and therefore the development would be visible to adjacent occupiers on Lime Close. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt. As the site is relatively well-screened, however, it is considered that this impact would result in limited harm to the Green Belt.
- The appeal property is relatively large and features a hipped roof, an existing part two-storey part single storey rear extension and is finished with facing brickwork and hanging plain clay tiles. The surrounding area is suburban in character with Lime Close featuring mostly large detached two-storey properties set within spacious plots.
- Whilst the Council has expressed concern regarding the scale of the extensions, stating the proposal would result in a top-heavy development, I find it would sufficiently harmonise with the host dwelling. The proposed extension would not appear excessively large despite the considerable uplift in floor area in light of the fact that the depth of the extension would not project beyond the existing rear elevation and its width would be contained within the existing width of the dwelling.
- Furthermore, the proposed roof profile would match the existing roof and would not appear unacceptably bulky or dominant. The development would be finished with sympathetic materials and would integrate well with the overall architectural form of the property. As mentioned above, the development would not feature prominently in the streetscene and therefore its visual impact would be very limited. In any case, the proportions of the resultant dwelling would be well-balanced, and it is not considered that the extension would be read as an incongruous addition given the fact that there are large properties in the direct vicinity of the appeal site. The resultant dwelling would thus not appear out-of-scale with the surrounding built form.
- Given the above, the proposed development would not have an adverse impact on the character and appearance of the host dwelling and surrounding area. It would not conflict with Policy D1 of the LPSS, Saved Policy G5 of the Guildford Borough Local Plan (2003), the NPPF and the 'Residential Extensions and Alterations' Supplementary Planning Document (SPD) which together seek to ensure proposals are well-designed and do not harm their surrounding contexts.
- consider that the development causes harm to the Green Belt by way of its inappropriateness and limited harm to its openness, and substantial weight must be given cumulatively to this harm. However, I have found that it would not have an adverse impact

on the character and appearance of the host dwelling and surrounding area. Additionally, I have taken into account the impact of the permitted development fallback position, to which I have attached very substantial weight. On balance, the weight attributed to the other considerations in this case is very substantial and clearly outweighs the harm I have identified. I conclude therefore there are very special circumstances to justify the development.

- For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

3. Mr A Farquhar

Pilgrim Gardens, Sandy Lane, Guildford, GU3 1HF

21/P/02017 – The appeal is made against the decision of Guildford Borough Council. The condition in dispute is No 4 which states that: “Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Class A shall be carried out on the dwellinghouse(s) hereby permitted or within their curtilage”. The reason given for the condition is: “In order to safeguard the Green Belt Surrey Hills Area of Outstanding Natural Beauty and Area of Great Landscape Value”.

Delegated Decision – To Approve

Decision – ALLOWED

Summary of Inspector’s Conclusions:

- Planning permission was granted in 1996 for the demolition of an existing dwelling, shed and glasshouse, and construction of a replacement house with detached garage and enclosed swimming pool. The Council subsequently approved a Section 73 application seeking the removal of a condition restricting the use of permitted development rights afforded by Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order).
- This decision was however subject to new conditions, including one removing permitted development rights for alterations and extensions to the dwellinghouse. The appellant is contesting the imposition of this condition on the grounds that it does not meet the six tests as set out in paragraph 56 of the National Planning Policy Framework (the Framework).
- The main issue is whether the disputed condition is reasonable and necessary, having particular regard to the openness and purposes of the Green Belt and the character and appearance of the area, including the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).
- Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The national Planning Practice Guidance (PPG) [Paragraph: 017 Reference ID: 21a-017-20190723] adds that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity.
- The appeal site lies in an area of rural character, which forms part of the Metropolitan Green Belt, the Surrey Hills AONB and AGLV. It comprises a large detached dwellinghouse, garage and barn set within spacious grounds, but their visual prominence within the public realm is softened by mature vegetation sited in proximity to the site’s boundaries.
- Concerns have been raised by the Council regarding the effect that extensions constructed under Class A could have on the openness of the Green Belt. However, the GPDO does not limit the use of permitted development rights in Green Belts. Whilst some restrictions may have been considered reasonable and necessary at the time of the original application, I have been presented with limited information, other than the property’s location within the

Green Belt, to substantiate the removal of permitted development rights afforded by Class A. The available evidence therefore provides no clear justification for such restrictions.

- As set out in the GPDO, certain types of development are not permitted on article 2(3) land, which includes AONBs. Whilst the appeal property sits on high ground and lies within a sensitive location in the Surrey Hills AONB, the alterations and extensions which could be carried out under Class A would remain relatively limited. Having regard to the restrictions which already apply to article 2(3) land and the available evidence, I therefore find that there is also no clear justification for removing the use of permitted development rights afforded by Class A in that respect.
- For the foregoing reasons, I conclude that condition No 4 is neither reasonable nor necessary to protect the openness and the purposes of the Green Belt, but also to conserve and enhance the landscape and scenic beauty of the Surrey Hills AONB and AGLV.
- Given the above, I conclude that the planning permission should be varied as set out in the formal decision.

4. Mr Hitcham Adjali

7 Platt Meadow, Guildford, GU4 7EF

21/W/00083 – The development proposed is described on the planning application form as 'Proposal is for rear conservatory as per accompanying drawing there is an existing small single storey extension and the additional conservatory will result in a total depth 6.7m from the main rear wall of the original detached house'

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The main issue is whether the proposed development would be granted planning permission by Article 3(1), Schedule 2, Part 1, Class A of the GPDO.
- 7 Platt Meadow (the Host Property) was granted planning permission as part of a major residential development under Council application reference 79P0250. Condition 6 of that permission states: 'Notwithstanding the provisions of Article 3 and Class 1 of the Schedule 1 to the Town and Country Planning (General Development Order) 1977, no further enlargement or other alteration to the dwellings hereby approved shall be carried out without the prior approval of the Local Planning Authority'
- The main contention between the parties is whether this condition has the effect of removing permitted development rights granted under the current iteration of the GPDO.
- The condition makes reference to Article 3 and Class 1 of Schedule 1 to the GDO 1977, which has now been revoked. There is no reference to any future legislation pertaining to permitted development rights. As such, on its face, it is related only to the provisions of the GDO 1977.
- In addition, the condition is not drafted in a way which unequivocally removes permitted development rights even under the GDO 1977. This is because, whilst a broad reference is made to Class 1 of Schedule 1, the condition does not specify that permitted development under this class has been removed. For example, it does not say 'no enlargement, improvement or other alteration permitted by Class 1 of Schedule 1 to the Town and Country Planning (General Development Order) 1977 shall be carried out or made to the dwelling'.
- The condition simply implies that no enlargement or other alteration is permitted without the Council's prior approval. This does not even match the wording of Class 1 which also refers to 'improvement' to a dwelling. As such, it lacks the precision required in order to preclude certain types of permitted development.
- Therefore, not only does the condition fail to apply forwards to future legislation (such as the current GPDO) but it also failed to effectively remove permitted development rights under the GDO 1977. For these reasons, the proposed development would not be contrary to

condition 6. Therefore, Article 3(4) of the GPDO does prohibit the operation of Schedule 2, Part 1, Class A in this instance.

- Where development permitted by Class A exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), paragraph A.4(7) sets out that prior approval is required as to the impact of the proposed development on the amenity of any adjoining premises where any owner or occupier of any adjoining premises objects to the proposed development. There is no evidence to indicate that any adjoining owner or occupier has objected to the proposed development and therefore prior approval is not required.
- There is no objection from the Council with regard to any other limitation, restriction or condition under Class A and there is no substantive evidence before me to indicate that the proposed development would conflict with any limitation, restriction or condition.
- For the reasons given above, I conclude that the appeal should be allowed and prior approval is not required.

5 Mr and Mrs Palmer

Owl Cottage, The Street, West Clandon, GU4 7TE

21/P/01625 – The development is proposed car port.

Delegated Decision – To Refuse

Decision – ALLOWED

Summary of Inspector's Conclusions:

- The appeal site is within a village washed over by the Metropolitan Green Belt. The main issues are whether the proposed car port would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and the effect of the proposed car port on the character and appearance of the area.
- Paragraph 147 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Both the Framework and Policy P2 of the Guildford Borough Local Plan: Strategy and Sites 2019 (the LP) indicate that new buildings constitute inappropriate development unless the building falls within the list of exceptions identified in Paragraph 149 of the Framework. One of those exceptions is limited infilling in villages.
- Owl Cottage is a new dwelling built in what was the garden of Bruce Cottage. The proposal is for a modest, open sided car port near to the house. On 21 July 2022 the Council granted planning permission for a car port of similar design and relative position in relation to buildings at Bruce Cottage planning Ref 21/P/01624. This was on the basis that the car port amounted to limited infilling within the identified settlement boundary for West Clandon. The car port which is the subject of this appeal would be in a similar relationship to buildings as the permitted car port. In this case, I see no reason to conclude other than it would also amount to limited infilling in the village and therefore also benefits from the exception to inappropriate development in the Green Belt at Paragraph 149 of the Framework and Policy P2 of the LP.
- The appeal site is in a row of houses in relatively large gardens. The car port would be small and light weight. It would be set back from the road frontage and would largely be obscured by existing hedges and trees. Views of the proposal from public vantage points would be minimal. The car port would not harm the character or appearance of the area. It would not conflict with Saved Policies G1 and G5 of the Guildford Local Plan 2003 in terms of scale, height, proportion and materials or Policy D1 of the LP in terms of quality of design.
- The proposal benefits from the exception to inappropriate development as identified in the Framework and Policy P2 of the LP and would cause no harm to the character or appearance of the area. I conclude the appeal should be allowed.

6 Mrs Julie White

6/6A Fir Tree Road, Guildford, Surrey, GU1 1JJ

21/P/01379 – The development proposed is separation of existing dwelling (No.6) to form two separate dwellings 6 and 6a.

Delegated Decision – To Refuse

Decision – REFUSED

Summary of Inspector's Conclusions:

- The main issue is whether or not satisfactory living conditions would be provided for future occupiers taking particular account of the provision of internal living space.
- The “Technical housing standards – nationally described space standard” (the NDSS) sets minimum sizes to ensure satisfactory living conditions for occupiers. One of the dwellings which would be created by the proposed subdivision would have two rooms plus a bathroom at first floor level with other living accommodation on the ground floor. One of the first floor rooms would be slightly below the size indicated for a bedroom in the NDSS.
- This small room is described as “office” on the floor plan. However, it could easily be used as a bedroom. If this were to be the case there would be a significant shortfall against the overall internal floor space for a two bedroom, two storey dwelling set out in the NDSS. I have considered whether a condition could be imposed that would restrict its use to an office but enforcing such a condition would be intrusive and difficult. Such a condition would therefore fail the enforceability test set out in the National Planning Policy Framework (the Framework).
- Accordingly I conclude one of the proposed dwellings would not provide satisfactory living conditions for future occupiers. Accordingly the proposal would conflict with Policies H1(3) and D1 of the Guildford Borough Local Plan: Strategy and Sites 2019 (the LP) and Paragraph 130(f) of the Framework. Together these seek high quality design; a high standard of amenity for existing and future users; and require all new residential development to conform to the NDSS.
- The proposal would result in two dwellings of the sizes indicated as needed in in the LP; a net increase of one dwelling in an accessible location. This is a benefit of the proposal, and could enable downsizing thus freeing up a larger dwelling. However, this is offset to some extent by the removal of a larger dwelling, as previously permitted, so these benefits attract only moderate weight. The provision of an electric vehicle charging point, gardens and parking are matters to be expected from all developments and are a neutral factor for this appeal.
- Set against this, there would be a significant shortfall in internal floor space and there is no justification for the departure from the minimum standard. In failing to comply with Policies H1(3) and D1 of the LP the proposal cannot be said to comply with the development plan taken as a whole. There are insufficient material considerations that would justify a decision other than in accordance with the development plan. The appeal should be dismissed.

7 CK Hutchison Networks UK

Burrows Cross, Hoe, Shere, Guildford, GU5 9RE

21/W/00098 – The development proposed is “Proposed 15.0m Phase 8 Monopole C/W/wraparound Cabinet and associated ancillary works”.

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, including the Surrey Hills Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).
- The appeal site comprises part of a grass verge located in an area predominantly characterised by large dwellings set within verdant and spacious grounds, which give the locality a pleasant rural and spacious feel. The site forms part of an area considered to have significant landscape value, as it lies within the Surrey Hills AONB and land designated as an AGLV.
- The proposed development would be considerably taller than the existing hedge that it would sit against and any manmade features located in the locality. The mast in particular would stand out as an unduly prominent and alien feature which, together with the associated equipment at ground level, would detract from the character and appearance of its rural surroundings. The siting of the equipment within proximity to a bend would also emphasise its presence and incongruous nature.
- This would be exacerbated by the fact that there is a field behind the hedge which, in the absence of mature trees to offer a suitable backdrop near the site, would increase its visual impact. This would not only have a detrimental effect on the character and appearance of the surrounding area, but also on views to and from the Surrey Hills AONB and AGLV. Whilst it is noted that the colour of the monopole could be conditioned to reduce its visual impact, this would not be sufficient to overcome the harm which I have identified.
- The appeal is supported by a sequential approach to site identification, which includes a number of discounted options within the search area. However, the evidence presented in that respect is very brief. Limited details have been provided to explain how the search for sites was carried out or how sites were selected for further consideration. Moreover, it is unclear whether the appellant has explored the possibility of erecting equipment in a location which would have a lesser adverse impact on the AONB in particular.
- Due to its siting and appearance, the proposal would cause significant harm to the surrounding area, and as a result fail to conserve and enhance the landscape and scenic beauty of the Surrey Hills AONB and AGLV. This is a consideration, to which I ascribe great weight. Consequently, the appeal scheme would be contrary to the Policies D1 and P1 of the Guildford Borough Local Plan (Adopted 25 April 2019), which require new developments to achieve a high quality design that reflect the distinct local character of the area, whilst conserving and enhancing the special landscape qualities and scenic beauty of the AONB. It would also fail to accord with the relevant provisions in sections 10 and 15 of the Framework, in so far as they are material considerations to this appeal.
- The Framework supports advanced, high quality and reliable communications infrastructure, which are considered essential for economic growth and social well-being. However, the siting and appearance of the development would cause unacceptable harm to the surrounding area, and I am not satisfied that the evidence before me demonstrates that there are no less harmful suitable alternatives to the appeal site. For the reasons detailed above, I conclude that the appeal should be dismissed.

8 Mr Nigel Heslop

98 Broad Street, Guildford, GU3 3BE

21/P/00447 – The development proposed is infill at first floor level with a flat roof together with enlargement of existing dormer window.

Delegated Decision – To Refuse

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.

9 Mr J Andrews

87 Bushy Hill Drive, Guildford, GU1 2UG

21/P/01694 – The development proposed is first floor rear extension.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issues are the effects of the proposal on the living conditions of the occupiers of No.89 Bushy Hill Drive with regard to outlook and light and;
- The character and appearance of the area.
- The appeal site is a semi-detached house, with an existing ground floor extension at the rear. The proposal would provide an additional storey at the first floor and roof level with a gabled roof treatment. The proposal would be close to the boundary with the adjoining property at No 89 Bushy Hill Drive which has not been extended.
- The rear garden at No 89 is modest in size and has a significant land level drop from the rear elevation to the end of the garden. Given the gardens moderate extent, coupled with the proposal's height, its close proximity, and projection beyond the existing first floor rear elevation; the proposal, when viewed from the garden of No 89 would comprise an overly tall and large expanse of blank wall, such that it would appear oppressive and overpowering for the occupants.
- In addition, despite the presence of an existing single-storey rear extension, the proposal subject to this appeal would add considerable height and bulk. The resultant development would be a looming presence which would dominate the outlook from the rear facing ground floor rooms at No 89. As such, it would constitute an oppressive form of development to the detriment of the living conditions of these occupants.
- In terms of the impact on light at No 89, there are four windows in the rear elevation of this property. The two windows at ground floor level appear to serve a habitable room, whilst the two windows at the first floor level serve non-habitable rooms. The Council's reason for refusal refers to a 45 degree guide, contained in their Residential Extensions and Alterations: Guildford Borough Council

Supplementary Planning Document 2018 (SPD), which is used to assess the impact of proposals on daylight received in habitable rooms, and to ensure that adequate lighting levels can be maintained. Whilst it is clear that the existing rear extension already breaches this 45 degree guide, this is a 2D assessment. It does not take into account the increase in height which would arise as a result of the proposal, which in my view would unacceptably diminish the amount of light entering the habitable room at ground floor level.

- The appellant has drawn my attention to the positioning of the proposal away from the boundary, specifically to mitigate against loss of light at No 89. However, given the breach of the 45 degree guide and harm I have identified, no evidence has been provided by the appellant to support their assertion that sufficient light would reach the neighbouring property. As a result, this consideration does not outweigh my findings.
- Consequently, the proposal would unacceptably harm the living conditions of the occupants of No 89 Bushy Hill Drive, due to the impact on daylight and outlook. Therefore, the proposal would conflict with the objectives of Saved Policies G1 and H8 of the Guildford Borough Local Plan, adopted January 2003 (GLP) and the objectives of the SPD, which seek, among other things, to protect the amenity of the occupants of adjacent buildings from unneighbourly development, and ensuring that development is not unduly obtrusive or results in significant loss of light. It would also be contrary to the National Planning Policy Framework (the Framework) 2021 which, amongst other things, also
- seeks a good standard of amenity for all existing and future occupants of buildings.
- The suburban area is characterised by semi-detached properties which form a regular rhythm and pattern. The appeal dwelling is set back from the street and angled away to address the curvature of Bushy Hill Drive, thus views of the rear elevation are limited from the street. Given its rearward location, the proposal would not appear unduly dominant in the street, and as such would not harm the original form of the host property. Moreover, it would not appear incongruous or detract from the overall character and appearance of the surrounding area.
- In conclusion, the proposal would not harm the character and appearance of the area. I therefore find no conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites, adopted April 2019 (GSS) and GLP Policies G5 and H8, which among other things, requires new development to be respectful, proportional and reflect patterns of development and distinct local character. As such, the proposal would also accord with the Framework, which amongst other things, seek to secure high quality design, whilst taking into account the local character and reflecting the local surroundings and materials.
- Whilst I find no harm to the character and appearance of the area, the proposal would result in unacceptable harm to the living conditions of neighbouring occupiers. Therefore, and for the reasons given, the appeal is dismissed.

10 Mr and Mrs R and C Scott-Fernandez

Talland, 62 Prospect Road, Ash Vale, GU12 5EL

21/P/02153 – The development proposed is single storey front and rear extensions following demolition of outbuilding.

Delegated Decision – To Refuse

Decision – DISMISSED

Summary of Inspector's Conclusions:

- The main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.
- The host dwelling is two-storey and detached and is situated in an area principally characterised by detached post-war and modern housing, with porches and single storey front extensions. Contributing to the character of the street scene, the host dwelling and neighbouring dwellings are setback from the street. Driveways and lawns fronting the dwellings create a sense of spaciousness.
- Whilst the proposed front extension would extend beyond the existing front elevation of the host dwelling, this would not be to a significant degree and would also not be beyond the building line of the adjacent dwelling. The modest scale and the proposed roof set substantially below the catslide and existing roofline, together with the use of matching brickwork and tiles, would result in the proposed front extension appearing subordinate to the host dwelling.
- The existing front elevation of the host dwelling is slightly asymmetrical in appearance due to the catslide, together with the arrangement and size of windows. The proposed front extension would increase the size of the ground floor window, which would better relate to the existing style and appearance of the upper windows on the host dwelling. The pitched roof of the porch would also reflect the existing pitched window in the catslide. Given the addition of architectural detailing, together with the subordinate appearance, I therefore find that the proposed front extension would improve the balance of the front elevation of the host dwelling compared to the existing appearance.
- The proposed front extension would be viewed in the context of various architectural styles and projections of porches and single storey front extensions of neighbouring dwellings. The proposed front extension would be in keeping with the building lines of the neighbouring dwellings and a generous setback from the street would be maintained. As a result, the proposed front extension would respect the prevailing character of the street scene.
- In acknowledging the Council's Supplementary Planning Document (SPD): Residential Extensions and Alterations (2018) that suggests side walls should be of solid finish with no windows or openings on side walls facing neighbouring dwellings, the length of an extension should reflect the scale, proportion and massing of the existing property. The Framework (2021) also promotes high quality design that is visually attractive.
- Whilst I recognise the proposed rear extension would effectively result in an 'infill' and extension to an existing outbuilding, the proposed rear extension due to its depth would add significant massing to the host dwelling compared to the existing built form. The proposed rear extension would therefore be of a scale that would be disproportionate to the size of the host dwelling. The elongated depth and design of the proposed rear extension would collectively create long blank elevations and an

expanse of brickwork with limited architectural detailing. This would be unsympathetic in design given the fenestration of the rear elevation of the host dwelling. As a result, the proposed rear extension would be unduly dominant and visually discordant with the host dwelling. I acknowledge that the host dwelling has a large rear garden, however, the depth of the proposed rear extension would represent an overdevelopment as the scale would significantly alter the proportions of the host dwelling.

- With the proposed extension set to the rear of the host dwelling, the extension would not be readily discernible when viewed from the street scene. Visibility would be limited to a glimpse between the host dwelling and adjacent dwelling due to the separation distance and oblique angle of the view. When viewed from neighbouring dwellings from the rear, the proposed rear extension would also be principally obscured by the outbuilding within the curtilage of the host dwelling and the outbuilding of the adjacent dwelling. Furthermore, the proposed rear extension would not extend beyond the building lines of this outbuilding. Although the proposed rear extension would be unsympathetic to the modest size and proportions of neighbouring dwellings to the north of the host dwelling, given the limited visibility from the street scene and neighbouring dwellings, I am not persuaded that the proposed rear extension would harm the character and appearance of the area.
- Under s.79(1) of the Town and Country Planning Act 1990, the power is given to allow a s.78 planning appeal to be determined by a split decision, allowing one part of a scheme and dismissing the rest. This approach has been taken in this instance as it is evident that the front and rear extensions are clearly severable from each other, both physically and functionally.
- For the reasons above, the proposed front extension would not cause harm to the character and appearance of the host dwelling and surrounding area. As such, the proposed front extension would comply with relevant sections of the Framework (2021), Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) and saved Policy G5 of the Guildford Borough Local Plan (2003). Collectively, these policies seek high quality design that reflect local character and set out design requirements to protect and enhance the built environment. The proposed front extension would also accord with the principles of the SPD regarding front extensions.
- Whilst the proposed rear extension would not harm the character and appearance of the surrounding area, for the reasons above, harm would be caused to the host dwelling. The scale and unsympathetic design of the proposed rear extension would be contrary to the relevant sections of the Framework (2021), Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) and saved Policy G5 of the Guildford Borough Local Plan (2003). The proposed rear extension would also be contrary to the SPD.
- I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed insofar as it relates to the proposed front extension but is dismissed insofar as it relates to the rear extension.