
Appeal Decision

Site visit made on 31 January 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/Y3615/D/16/3155722

**Moonrakers, Rydes Hill Road (Chittys Common), Guildford, Surrey
GU2 9UQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Richard Sloman against the decision of Guildford Borough Council.
 - The application Ref 16/P/00436, dated 28 February 2016, was refused by notice dated 19 May 2016.
 - The development proposed is a part two storey and part one storey front, rear and side extension comprising garage, porch, kitchen and fourth bedroom, replacing existing attached garage and outhouse.
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Decision

1. The appeal is allowed and planning permission is granted for a part two storey and part one storey front, rear and side extension comprising garage, porch, kitchen and fourth bedroom, replacing existing attached garage and outhouse at Moonrakers, Rydes Hill Road (Chittys Common), Guildford, Surrey GU2 9UQ, in accordance with the terms of the application Ref 16/P/00436, dated 28 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14009-E01, 14009-E02, 14009-E03, 14009-E04, 14009-E05, 14009-E06, 14009-P102, 14009-P103, 14009-P104, 14009-P105 and 14009-P106.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The window serving bedroom 3 in the northern elevation shall be obscurely glazed and retained as such at all times.

Main Issue The main issue is the effect of the development on the living conditions of the occupiers of the property known as Long View with particular reference to outlook, overlooking and light.

Reasons

3. The appeal relates to a property known as 'Moonrakers', which is a two-storey detached dwelling with attached garage on its northern side. The set back of
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the house within its plot is such that it largely sits behind the rear building line of the neighbouring bungalow to the north, known as 'Long View'. Because of the topography of the area, Long View and its garden are also set at a lower level than the appeal site. For these reasons, the appeal dwelling already has a domineering presence when viewed from the rear garden of Long View.

4. Subsequent to refusing the appeal proposal, the Council has approved a Certificate of Lawfulness of proposed development on 30 June 2016¹ for a single storey side/rear extension. This represents a material fallback position to which I have given significant weight.
5. The proposed plans show that at ground floor level, the depth of the extension would be the same as that which could be lawfully built. The proposed eaves height also appears to be about the same height as that shown on the Certificate of Lawfulness plans. Although the proposed extension would be wider at the rear, this would not materially affect the occupants of Long View.
6. Therefore the main differences between the lawful fallback position and the scheme currently before me are the catslide roof with side windows at first floor level, the proposed roof lantern to the kitchen area, the front porch and the front extension to the garage. The appellant has explained that a further planning application has been made for the all of these elements, other than the catslide roof, and that it was to due to be reported to Planning Committee on 10 August 2016 with a recommendation of approval. I have no further information on the progress of this application but, nevertheless, given the size and siting of these elements, their inclusion within the scheme would not result in material harm to the living conditions of the occupants of Long View.
7. The residual element therefore is the catslide roof and associated roof windows. Given the relative position of the dwellings, it is likely that a 45 degree line taken from the patio doors of Long View would be breached by the existing dwelling and garage at the appeal site. It follows therefore that the 45 degree line would be substantially breached by the depth of the lawful extension, thereby indicating a loss of light to this habitable room window.
8. However, it has been demonstrated that a 45 degree line taken from the vertical would not be breached by the addition of the catslide roof. In addition, the extent of the catslide roof would not project beyond the depth of the main two storey part of the appeal dwelling. Therefore, having regard to these factors, the catslide roof would not result in a materially greater impact on light than that which could be built under permitted development rights. Moreover, because the roof would slope away from Long View, any additional overbearing effect would be very minimal and would not warrant withholding planning permission.
9. In terms of overlooking, the existing relatively large landing window in the side elevation of the host dwelling already allows for unobstructed views into the garden area of Long View. Whilst not serving a habitable room, its position relative to the internal configuration of the house is such that occupants views are directed towards Long View every time they would go down the stairs. In comparison the appeal proposal would provide three separate side facing roof lights, two of which would be high level and would preclude any overlooking. The third however, would be lower and would allow for direct overlooking from

¹ Ref: 16/P/01142

a habitable room onto the garden area of Long View. Consequently, it would be necessary to condition any planning permission to ensure that this window is obscure glazed. The appellant has confirmed that this would be acceptable.

10. I therefore conclude that the elements of the scheme above that which could be built under permitted development rights would not result in material harm to the living conditions of the occupants of Long View, so as to conflict with Saved Policies G1(3) and H8 of the Guildford Borough Local Plan 2003, which seek to protect the amenities enjoyed by occupants of buildings from unneighbourly development.

Conditions

11. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. In order to protect the character and appearance of the area, I have imposed a condition requiring the external materials used in the development to match those used in the existing building.
12. As explained above, a condition requiring obscure glazing to the side window of bedroom 3 is necessary in order to safeguard privacy.

Conclusion

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

Richard S Jones

Inspector