
Appeal Decision

Site visit made on 24 January 2017

by Y Wright BSc(Hons) DipTP MSc DMS MRTPI

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

Decision date: 8 February 2017

Appeal Ref: APP/Y3615/D/16/3164587

3 Regalfield Close, Guildford GU2 9YG

- 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 Ms H Greaves against the decision of Guildford Borough Council.
 - The application Ref 16/P/01964, dated 27 September 2016, was refused by notice dated 18 November 2016.
 - The development proposed is single storey rear extension and new external door to side of property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 4 Regalfield Close in relation to outlook.

Reasons

3. The two storey property is an end terrace house in a residential area, located within a cul-de-sac. The extension would be sited to the rear of the property and would replace an existing glazed lean-to style conservatory.
 4. Both Policy G1(3) and Policy H8(2) of the Guildford Local Plan 2003 (LP) seek, amongst other things, to protect the amenities enjoyed by the occupants of buildings. I am also mindful that the National Planning Policy Framework (the Framework) seeks, amongst other things, to secure a good standard of amenity for all existing occupants of buildings.
 5. The proposed development would extend along the shared garden boundary for a depth of 3.5m. I note that the development would be offset from the shared garden boundary with No 4 by 475mm. Whilst this would be further than the existing conservatory offset of 275mm, I consider the overall separation distance from the boundary would be limited. As such the development would still be within close proximity to the shared boundary. This proximity, together with the depth and height of the built projection which would be prominent above the garden fence, would have a dominating, overbearing and enclosing effect on outlook for the occupiers of No 4. I consider this would have a negative impact on the neighbours' living conditions particularly in relation to how they might use their rear habitable rooms and relatively narrow rear garden.
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6. Whilst I note that the development would encroach within 45 degrees of the neighbours' nearest ground floor window, the Council considers that daylight to the rear open plan room would be available from another window and as such does not identify the effect of the proposal on levels of daylight for neighbouring residents as a specific reason for refusal. Nevertheless this does not outweigh the harm I have identified above.
7. My attention has been drawn by the Appellant to an application for a certificate of lawfulness of proposed development for a single storey rear extension and creation of new side entrance door at the appeal site, which was approved by the Council on 17 November 2016 (Council ref: 16/P/01963). The Appellant confirms that this relates to development that would extend the full width of the house and would directly abut the shared boundary with No 4. However as this proposal would not project as far into the rear garden as the appeal scheme, the overall impact on outlook for the occupiers of No 4 would be reduced.
8. Although the appeal development would be preferred by the Appellant to satisfy their internal layout requirements, this would not outweigh the harm I have identified.
9. Consequently, taking all the above factors into account, I conclude that the depth, height and proximity of the appeal proposal to the shared garden boundary would result in material harm to the living conditions of the occupiers of No 4 Regalfield Close in relation to outlook. The proposal would therefore conflict with the Framework and LP Policies G1(3) and H8(2).

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR