

Appeal Decision

Site visit made on 10 April 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/Y3615/D/17/3170605

99 Cline Road, Guildford GU1 3ND

- 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 S Mace against the decision of Guildford Borough Council.
 - The application Ref 16/P/02207, dated 1 November 2016, was refused by notice dated 16 December 2016.
 - The development proposed was initially described as the erection of a first floor rear extension and roof profile changes.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension incorporating dormer window to the west elevation at 99 Cline Road, Guildford GU1 3ND in accordance with the terms of the application, Ref 16/P/02207, dated 1 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: T712/03; T712/02; T712/01; T712/04B; T712/05C and T712/06A.
 - 3) The external surfaces of the development hereby permitted shall be constructed of materials to match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the west facing dormer window shown on drawing ref: T712/05C has been fitted with obscured glazing as a non-opening (fixed) window. Once installed the obscured glazing and non-opening fixed window shall thereafter be retained in accordance with the details shown on drawing ref: T712/05C.

Procedural Matters

2. I have adopted the description of development set out on the Council's decision notice, and subsequently adopted by the appellant in later appeal submissions, as I consider it to more accurately describe the proposed development.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of 101 Cline Road, with particular regard to light and outlook.
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Reasons

4. The appeal relates to a two storey dwelling located at the end of a short terrace of four dwellings, a pattern of development and a style of dwelling that is replicated along much of the length of the northern side of Cline Road. The host property has been previously extended at both ground and first floor, and the current proposal seeks to extend above the existing ground floor rear extension. The adjoining property, No. 101, appears to have previously been extended at ground floor level with a small lean-to rear extension.
5. The Council's focus of concern appears to be in relation to the effect of the proposal on the outlook from, and light available to, the first floor rear-facing window at No. 101. In terms of the effect upon light, the proposed extension would be located to the northwest of the adjoining property. It would not, in my judgement, give rise to direct overshadowing or loss of sunlight to No. 101, whilst the extension's flank wall would reflect early morning light until the terrace itself overshadows the rear elevations of the appeal property and its neighbours.
6. The additional height of the extension's flank wall would be equivalent to less than a full storey height. Instead, the flank wall would terminate at a height approximately two thirds of the way up the nearest first floor window at No. 101. This, together with the receding slope of the roof away from No. 101, would limit the scale of the extension and minimise its impact upon daylight and outlook from the rear of No. 101. I note that the Council do not consider the proposal to have a harmful effect at ground floor level of No. 101, and I have not been provided with any compelling evidence to lead me to conclude otherwise.
7. Whilst the proposed extension would project beyond a 45° line drawn from the mid-point of the nearest window at No. 101, as advocated by the Council's Supplementary Planning Guidance: Residential Extensions (2003) (SPG), I am nonetheless satisfied that for the reasons set out the proposal would not cause unacceptable harm to the living conditions of occupiers of that property. Whilst there would be a degree of change in the outlook from the nearest first floor window at the adjoining property, it would not in my judgement be so serious or harmful to prevent the proposed development from proceeding.
8. Thus, I conclude that the proposal would not have an unacceptable impact upon the living conditions and amenities enjoyed by occupants of No. 101 in terms of outlook, daylight or sunlight. So too, in respect of No. 97 which, whilst I have considered the objection raised, I have also noted that the Council considered that the proposal would not adversely affect the living conditions of occupants of that property in terms of light, privacy and outlook. I have not been presented with any compelling evidence to lead me to reach an alternative conclusion and I therefore conclude that the proposed extension would not be an unneighbourly form of development in the parlance of policy G1(3) of the Guildford Borough Local Plan (LP), nor would it be in conflict with LP policy H8. That is reflected by the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for all occupants.

Other Matters

9. Cline Road lies within the Charlotteville and Warren Road Conservation Area (the Conservation Area), where I am statutorily required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I note that there is no dispute that the proposal would not cause harm to the character or appearance of the Conservation Area, and I see no reason to disagree.

Conditions

10. I have considered the conditions suggested by the Council in the light of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance. I agree that, in addition to the time limit condition, conditions specifying the approved plans and to ensure the use of matching materials are necessary in order to provide certainty and in the interests of the character and appearance of the host property and surrounding area, respectively.
11. The approved plans (specifically drawing ref: T712/05C) indicate that the glazing fitted in the side facing dormer window will be obscure and fixed. As the bathroom served by that window also has a rear facing window, a non-opening window would not be unreasonable or impractical, and I consider that a condition to ensure that this remains so is necessary in the interests of living conditions and maintaining privacy to the adjacent property.

Conclusion

12. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR