
Appeal Decisions

Site visit made on 16 May 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 1 June 2017

Appeal A Ref: APP/Y3615/W/16/3166077

Broomfield, Oakwood Drive, East Horsley KT24 6QF

- 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 Mrs Verity Walsgrove against the decision of Guildford Borough Council.
 - The application Ref 16/P/01805, dated 2 September 2016, was refused by notice dated 24 November 2016.
 - The development proposed is the construction of a new single 2 storey family dwelling and single integral garage, following the demolition of the existing dwelling, detached garage and outbuilding.
-

Appeal B Ref: APP/Y3615/W/17/3171544

Broomfield, Oakwood Drive, East Horsley KT24 6QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Verity Walsgrove against the decision of Guildford Borough Council.
 - The application Ref 16/P/02568, is dated 22 December 2016.
 - The development proposed is the construction of a new single 2 storey family dwelling and single integral garage, following the demolition of the existing dwelling, detached garage and outbuilding.
-

Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the construction of a new single 2 storey family dwelling and single integral garage, following the demolition of the existing dwelling, detached garage and outbuilding at Broomfield, Oakwood Drive, East Horsley KT24 6QF in accordance with the terms of the application, Ref 16/P/02568, dated 22 December 2016, subject to the conditions in the attached schedule.

Preliminary Matter

3. The Council did not determine Appeal B prior to this appeal being lodged. Nevertheless I recognise the Planning Committee subsequently considered this scheme and I note the Council would have refused planning permission. I have taken these views into account in considering this appeal.
-

Main Issues

4. The main issues in Appeals A and B are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of nearby residents, with particular reference to Mallard, with regards to sunlight, daylight and privacy.

Reasons

Character and appearance

5. The appeal site comprises of a large detached two storey vacant dwelling on the corner of Oakwood Drive and Oakwood Close. The site is in the settlement of East Horsley. To the rear of the site is a detached outbuilding. A number of trees, some which are subject of a Tree Preservation Order (TPO) form part of the site or adjoin it. These, along with other landscaping make a positive visual contribution to the spacious character of the site and the wider area.
6. Nearby, there are medium and large detached dwellings of various styles and finishes, some of which appear to have been extended. Yet, Oakwood Drive does also contain examples of dormer bungalows, such as Mallard. Part of the boundary with Mallard consists of the flank brick garage wall that serves Broomfield. The flat roof garage is detached from the main dwelling and it extends forward of the front building lines of Broomfield and Mallard. There is also a similar single storey flat roof component to the side of Broomfield which is attached to the gable elevation.
7. The existing dwelling is set back from Oakwood Drive. This is a defining characteristic of the area, which leads to a spacious and pleasant environment that is softened by landscaping. Thus, views along Oakwood Drive towards the appeal site in either direction are wide ranging and include properties in Oakwood Drive as a whole, except for the dwellings positioned near to and around the turning circle to the south west of the appeal site. So, despite the site's corner position, it is not especially prominent. However, the existing dwelling does, at single storey, extend up to the boundary with Mallard. Nonetheless the lack of built form at first floor does create a sense of space between the two dwellings. This is not an uncommon characteristic locally and I noted other examples in the drive.
8. Although the Council suggest the changes made in Appeal B are minimal, the appellant has sought to overcome their concerns by a number of changes. Collectively they make a difference to the scale, bulk, depth, width and the spacing around the proposed dwelling.
9. The ridge height of Appeal B would be higher than the existing dwelling. However the tallest section would be in the centre and angled away from both flank boundaries. Also, in this respect, despite the retention of the rear gable nearest to Oakwood Close, its scale has been reduced. The rear gable would appear as a subordinate part of the dwelling, even with its position which would be visible from Oakwood Close. Added to this, large areas of the plot would be undeveloped, despite any uplift in the size of the proposed dwelling. I recognise Appeal B would be taller than neighbouring properties to the west and recent planting will take time to establish. However, despite the gently slope that runs from west to east, Appeal B would be sympathetic to the scale

and massing of the area as a whole, due to the use of hipped roofs and shallower roof planes.

10. The position of the front elevation of Appeal B would be closer to Oakwood Drive than the existing dwelling. Despite this, it would only be marginally forward of the front elevation of Mallard and consistent with the line of the existing garage. While the built form at first floor would be further forward, dwellings locally vary in their position, scale and massing especially at the front. Crucially, Appeal B would be considerably set back from Oakwood Drive, but also from Oakwood Close and Mallard. This would ensure that Appeal B would not appear dominant or imposing, even if the street scene plan does not include or reflect every nearby dwelling or tree. Overall, I consider that this scheme would reflect the areas local distinctiveness and amounts to good design as promoted by paragraphs 56, 59 and 60 of the National Planning Policy Framework (the Framework).
11. With regards to Appeal A, despite the loss of the existing garage and similar ridge height to some nearby properties, its scale would appear bulky and dominant, especially on the side next to Mallard. This would be due to the long ridgeline, roof pitch and the position of the first floor flank elevation. Collectively these would occupy a large area at first floor that is currently free from built form. So, despite the position of the dwelling in relation to each boundary and the architectural features, this scheme would harm the sense of space that characterises the site and its surroundings. Added to this, the tall ridge line of the single storey rear element would be at eaves height of the main body of the dwelling. Notwithstanding whether Appeal A is larger than the existing house, the scale and massing of this scheme would not, in my opinion, reflect the context and character of the site's surroundings, even if nearby dwellings have been extended and there are a variety of styles locally.
12. Broomfield is unchanged, vacant and likely to have a poor thermal performance. Both proposals would also be a one for one replacement of the dwelling. I also recognise points around the use of permeable surfacing, permitted development rights and the creation of a family home designed for Lifetime Living. Nonetheless, these matters do not outweigh my concerns relating to the effect of Appeal A on the character and appearance of the area.
13. The Council consider further amendments are necessary in order to make Appeal B acceptable in terms of this issue. However, I consider this scheme would not result in the loss of a small dwelling and it would result in a sympathetic form of development which would relate to neighbouring properties and the areas character and appearance.
14. For these reasons, on this issue, I conclude that Appeal B would comply with saved Policies G5, H6 and R3 of the Guildford Borough Local Plan (Local Plan) and paragraphs 56, 59 and 60 of the Framework. I also conclude, that Appeal A would result in a significant harm to the character and appearance of the area and would not accord with Local Plan Policies G5, H6 and R3 or paragraphs 56, 59 and 60 of the Framework. These policies together, among other things, seek to ensure the replacement dwelling would not result in the loss of a small dwelling and development is of a scale, height and proportions that respects established street patterns and the value of space, plot sizes, roof treatment so that new buildings reinforce the identity and character of an area.

Living conditions

15. There are several windows in the flank elevation of Mallard that face the appeal site. This elevation is set back from the shared boundary and behind a brick wall or a timber fence that extends until slightly beyond the rear kitchen window of the property. There are slight level differences between the two sites. In terms of the openings, from front to rear, there is a bedroom window, obscure glazed bathroom window, a side door with a clear glazed panel and a WC with obscure glazing.
16. The bedroom window is slightly further away from the boundary than the other openings due to the varied flank building line. The parties have provided various measurements, however the relationship is at relatively close quarters for each opening which all face north easterly. The proposals would have three effects. The first being the removal of the garage which is slightly taller than the adjoining fence line. The second would be the change from a two storey high brick gable wall to a hipped roof form that would be, at first floor, closer to the flank elevation of Mallard than the existing gable elevation. The third change would be the new elongated extent of the built form of both schemes.
17. For both appeals the appellant has provided an assessment using the Building Research Establishment (BRE) methodology¹ to measure the effect of the proposal on the sunlight and daylight in the rooms facing the appeal site. This is a useful toolkit in assessing whether development could adversely affect daylight and sunlight levels received by neighbouring residential occupants, which is the aim of saved Local Plan Policies G1(3) and H6.
18. While the BRE assessment has been completed without visits being made to Mallard, it is an objective assessment and the assumed layout the bedroom is broadly consistent with the internal layout of this room. Even though points are made about the use of the bedroom, it was laid out for the purposes of a bedroom and it is therefore reasonable to consider the effect of the proposed schemes on the current and future occupants of Mallard.
19. With regard to the bedroom, in terms of daylight, the BRE assessment suggests that there would be a negligible impact, even though there would be a loss of daylight. The effect of this means that the occupants of Mallard are unlikely to notice any change. Insofar as sunlight, the assessment concludes that both appeals would have a negligible impact on the occupants of Mallard. Nonetheless there are concerns relating to overshadowing coupled with the Council's reservations that the assessment does not overcome their concerns. However from the evidence available and having viewed the relationship, I consider the proposals would not be unneighbourly, in terms of daylight, sunlight and overshadowing.
20. In terms of the other openings, I consider the doorway is a secondary opening to the kitchen that is served by a much larger south east facing window. The remaining windows are both bathrooms and obscure glazed. The bathrooms are not in my view rooms that the occupants would spend considerable lengths of time in, unlike other living spaces in the dwelling. So, despite the BRE assessment not reflecting the actual room layouts, I do not consider that Appeals A or B would unduly affect the occupant's living conditions in terms of sunlight, daylight or privacy given the use and glazing of these openings.

¹ BRE document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011)

21. While there are concerns relating to an overbearing impact and the schemes would, at first floor be closer to Mallard, but on the other hand the existing garage would be demolished. This would draw the built form away from the boundary. Although both proposals would result in an elongated built form, the use of the hipped roof, especially in Appeal B would significantly lessen any effect, allowing for views of the sky to remain. Also, considering the existing dwelling has a gable elevation, I do not consider both schemes would lead to an unneighbourly development.
22. Even though the schemes would result in a change, I have considered both proposals on their merits having regard to the circumstances of the site and its surroundings. Furthermore, I do not consider that either scheme would unduly affect the sunlight received in the south-east facing rear garden of Oakmont. I also agree with the Council in that both schemes would maintain good separation distances to properties to the front and rear as well as to Oakmont. While a balcony would be formed to the rear, this would be nestled in-between the roof planes of the single storey elements. The proposals would allow views into neighbouring rear gardens but this is an existing relationship. So, even if Appeal A includes rooms on a second floor, I do not consider that Appeal A or Appeal B would cause an undue loss of privacy and equate to harm as a result.
23. For these reasons, on this issue, I conclude that Appeals A and B would comply with saved Local Plan Policies G1(3) and H6 as well as paragraph 17 of the Framework. These policies together, amongst other things, seek to ensure the occupants of buildings are protected from unneighbourly development in terms of privacy, access to sunlight and daylight.

Other Matters

24. The construction of a replacement dwelling could lead to disturbance and inconvenience to neighbouring residents, however the effects of this would be temporary and the site is of a good size to allow vehicles to park off the highway and to store materials or equipment. Also, the large permeable areas would remain to allow surface water to percolate the ground gradually, despite concerns raised by residents. While reference is made by the parties to an outbuilding in the rear garden of the site, this is not a matter before me and as such it does not influence my findings in relation to either appeal.

Conclusion and Conditions

25. I have regard to the conditions suggested by the Council. In relation to Appeal B, I have imposed a condition specifying the approved plans as this provides certainty. Conditions to secure samples of materials, tree protection measures, hard and soft landscaping are all necessary, subject to a number of small revisions for precision, in the interests of the areas character and appearance.
26. For these reasons, I conclude that Appeal B should succeed. In respect of Appeal A, even though I have found no harm in relation to living conditions, this would not outweigh the harm to character and appearance that would arise in respect of this scheme. Thus, I conclude that Appeal A should be dismissed.

Andrew McGlone

INSPECTOR

SCHEDULE OF 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: 15-1567-01/A, 15-1567-02/A, 15-1567-03/A, 15-1567-04/A, 15-1567-05, 15-1567-06, 15-1567-07/A, CCL09519/IAP rev 2, CCL09519/TPP rev 2, CCL09519/TCP rev 3 and the Topographic Survey.
- 3) The development must accord with the Arboricultural Implications Assessment and Method Statement prepared by Crown Consultants dated 21st October 2016. No demolition, site clearance or building operations shall start on site until the protective fencing and other protection measures shown on the Tree Protection Plan (ref. CCL09519) in the Arboricultural Method Statement have been installed. At all times, until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of monitoring and compliance by the pre-appointed consulting arboriculturalist.
- 4) No development shall take place until details and samples of the proposed external facing and roofing materials including their colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 5) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the first occupation of the development hereby approved and retained.
- 6) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting sooner with others of similar size, species and number.