
Appeal Decision

Site visit made on 29 June 2017

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 10 July 2017

Appeal Ref: APP/Y3615/D/17/3173606

11 Longmead, Guildford GU1 2HN

- 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 Knight against the decision of Guildford Borough Council.
 - The application Ref: 16/P/02427 dated 29 November 2016, was refused by notice dated 26 January 2017.
 - The development proposed is new porch, ground floor side extension, first floor rear extension with alterations.
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Decision

1. The appeal is allowed and planning permission is granted for new porch, ground floor side extension, first floor rear extension with alterations at 11 Longmead, Guildford GU1 2HN in accordance with the terms of the application, Ref : 16/P/02427 dated 29 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: ENC-060716-2WO-MB; ENC-060716-2WO-Topo; LM/01; LM/02; LM/03 and LM/04.
 - 4) Notwithstanding condition 3, before the first occupation of the extension hereby permitted, the new bathroom window to the first floor flank window facing No 9 Longmead shall be:
 - 1) fitted with obscure glass up to 1.7m above the floor level of the room in which the window is installed, and
 - 2) no part of that window that is less than 1.7m above the floor level of the room in which the window is installed shall be capable of being opened.
 - 5) Notwithstanding condition 2, the rooflights hereby permitted within the side roof slope facing towards No 9 Longmead shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), no windows or dormer windows or

other openings (other than those expressly authorised by this permission) shall be constructed in the flank elevations or roof slopes of the extension hereby permitted.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the adjoining residents at No. 9 Longmead, with particular regard to loss of daylight and effect on outlook.

Reasons

3. The appeal property is a detached property on the east side of Longmead, a residential road with a mix of houses and single storey dwellings. There is a varied front and rear building line to some of the houses. The proposal would include a ground floor side extension and first floor rear extension to the side of the property closest to No 9 Longmead.
4. The adjoining property at No 9 Longmead is a detached two storey property but the rear of No 11, extends beyond the rear wall of No 9. There are rear facing windows to habitable windows at ground and first floor level to No 9. The Council's Supplementary Planning Guidance: Residential Extensions 2003 (SPG 2003) advises that the Council would not normally expect new proposals to encroach within 45 degrees of the centre of a neighbouring property's window on the same axis. The Appellant has contended that the proposal would not adversely affect daylight to the adjoining property but there is no technical evidence before me to set out the reasoning for this assertion.
5. On the basis of the information available, it would appear that the 45 degree line is already compromised by the existing relationship of built form between the two properties and a first floor addition is proposed closest to the common boundary. However, in my assessment I have taken into account the distances between the properties, the detailed design of the extension, including its roof form, as well as the size of the windows at No 9, including that the ground floor room closest to the boundary is a through room with windows to the front and the rear (and smaller window to the side). As a result of all these factors, taken together, I do not consider that the effect of the appeal proposal on daylight to the rear facing windows to No 9 would be material and sufficient to justify refusal of planning permission.
6. Similarly, given the size of the windows at No 9 and the remaining open outlook to the rear, I also do not consider that there would be an unacceptable impact on outlook for the neighbours from these rooms. Given the size of the garden area relating to No 9, and taking the above factors into account, I am also satisfied that the proposed extension would not be overbearing for the neighbours, from within their rear garden area.
7. I therefore conclude that the development would not materially harm the living conditions of the adjoining neighbours at No 9 Longmead, with particular regard to loss of outlook and loss of daylight. There would be no conflict with Policies H8 and G1(3) of the Guildford Borough Local Plan 2003 as well as one of the Core Principles set out at paragraph 17 of the National Planning Policy Framework, all of which seek a good standard of amenity for all existing and future occupants of land and buildings. I have found that the development

would not fully comply with the relevant sections of the Council's adopted SPG 2003, but in the particular circumstances of this case I consider that there is sufficient justification for an exception to be made to the advice in this SPG.

8. The Council's refusal notice was specific to the effect of the proposal on the living conditions of the neighbours at No 9. I am also satisfied that, given the distances between properties and the siting of the proposed extensions, there would be no material effect on the living conditions of the neighbours at No 13 Longmead on the other side of the appeal property as well as the neighbours to the rear in Merrow Close. I have noted that there were no representations from neighbouring properties, but my decision is based on the planning merits of the scheme, as the proposal would endure for future occupiers.
9. In terms of conditions, matching materials with the existing dwelling are required in the interests of protecting the character and appearance of the existing property and of the local area. I shall also add a condition to list the approved plans for the avoidance of doubt and in the interests of proper planning. Although indicated on the submitted plans, I consider it necessary in order to protect the living conditions of adjoining residents, particularly at No 9 Longmead, to include specific conditions to control the form of the windows in the north elevation of the proposed extension.
10. For the reasons set out above, and taking into account all other matters raised, including in representations, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR