
Appeal Decisions

Site visit made on 4 July 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 11 August 2017

Appeal A - Appeal Ref: APP/Y3615/W/17/3172578

32 Queen Eleanors Road, Guildford GU2 7SL

- 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 W Gong against the decision of Guildford Borough Council.
 - The application Ref 17/P/00176, dated 22 January 2017, was refused by notice dated 27 March 2017.
 - The development proposed is two storey detached dwelling with rooms in loft, following demolition of the existing bungalow (revision of withdrawn application 17/P/00143).
-

Appeal B - Appeal Ref: APP/Y3615/W/17/3171747

32 Queen Eleanors Road, Guildford GU2 7SL

- 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 W Gong against the decision of Guildford Borough Council.
 - The application Ref 17/P/00101, dated 17 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is erection of one four bedroom detached two storey dwelling, following demolition of the existing bungalow.
-

Decision

1. Both appeals are dismissed.

Procedural Matters

2. As set out above, there are two appeals on this site. As the two applications are complementary, although differ in detail, I have dealt with them together to avoid duplication except where otherwise indicated.
3. For clarity I have used the description of development given in the decision notices in the heading above.

Main Issues

4. The main issues are the effect of the development on;
 - The character and appearance of the area; and,
 - The living conditions of occupiers of 30 Queen Eleanors Road, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal site contains a detached chalet bungalow with rear conservatory, sited within a mixed line of one and two-storey dwellings, all with limited lateral separation and reasonably sized rear gardens.
6. The development for each appeal comprises the replacement of the existing bungalow with a two-storey dwelling with single-storey rear projection.
7. Two approved applications for development on this site have been brought to my attention. The appellant considers these are valid and complementary fall-back schemes. One comprises the replacement of the bungalow with a two-storey dwelling with rear conservatory¹ (fall-back dwelling), and the second is a prior approval notification for a single storey rear extension to the existing bungalow² (PN extension). However, notwithstanding that one fall-back scheme would be permitted development, it would not be possible to build both in their entirety as their footprints would overlap.
8. In any case, as there have been four applications for significant development on this site over the last two years I give the fall-back schemes limited weight, as I am not satisfied that either is likely to be built as approved.
9. The development for appeal A is a substantial two-storey dwelling, which would have a large single storey projection across the full width of the dwelling at the rear. The two-storey element would have a substantial and prominent hipped roof, and would lack the articulation of form or setbacks to the front and rear elevations present in either the existing bungalow or the fall-back dwelling. At the rear the prominence and scale of the rear projection would be reinforced by falling ground levels, as its rear elevation would be some 4 metres high. This would make a significant contribution to the overall bulk and massing of the development within this plot
10. For appeal B, the two-storey element of the dwelling would have greater articulation of form and be more in keeping with other dwellings in the area. This element would, with the exception of some additional windows, be the same as the two-storey element of the fall-back dwelling. However, the rear projection of the development would be as for appeal A, and this would replace the fall-back dwelling's conservatory.
11. I conclude that both appeals would represent a considerable increase in the bulk and massing of development on the site, encroach significantly beyond the rear elevations of neighbouring dwellings and appear disproportionately large. This would represent overdevelopment of the plot which would be out of keeping with the underlying building pattern.
12. I appreciate that the rear projections would have the same design as the PN extension. However, that was approved as an attachment to the existing bungalow, and its approval would have included an assessment of the resultant impact on the amenity of adjoining properties. I also appreciate that the PN extension would occupy much the same footprint of the garden as the rear projection, if these appeals were allowed. However, it would be a component

¹ Ref 16/P/02305

² Ref 17/W/00005

of an entirely different dwelling and as such is of limited weight in my reasoning.

13. The appellant argues that the fall-back dwelling would have a conservatory and that this should weigh in favour of the development. However this would be of lesser depth and width than the proposed rear projections. As such it is not directly comparable. I appreciate that the existing conservatory was considered acceptable by the Council but it would have been approved in relation to the overall bulk and massing of the bungalow.
14. I acknowledge that a reasonable length of garden would remain if the development was allowed, but this does not alter my reasoning.
15. In the light of the above, the development would be detrimental to the character and appearance of the area. This would be contrary to Policy G5 of the Local Plan³ (LP) which requires development to respect established street patterns and building lines, and to respect the scale, height and proportions of the surrounding environment, amongst other considerations, and LP Policy H4 which requires development to be in scale and character with the area and to have no unacceptable effect on the existing context and character of adjacent buildings.

Living conditions

16. The kitchen of No 30 faces No 32's flank wall at a distance of some 5 metres. Its positioning relative to No 32 would result in a partial openness of views from its window and side garden. However, the two-storey element of both developments would extend some 1.5 metres beyond the footprint of the existing bungalow, and the rear projection would extend some 6.5 metres beyond that. As such, I consider the development's increased depth and height compared to the current situation, aggravated by a difference in ground level, would have a significant enclosing and overbearing effect on the outlook of occupiers of No 30.
17. I appreciate that the development would not be any closer to No 30 but that does not alter my reasoning or justify such an increase in the height and extent of the opposing flank wall.
18. The appellant argues that five metre gaps between dwellings are unusual in this area. However, it does not alter my conclusion in respect of outlook from No 30. In any case, lateral separation evident on aerial photographs is not necessarily indicative of the relationship between flank walls and opposing windows, particularly where two-storey development replaces a former single storey dwelling, as in this case.
19. Although No 32's flank wall would have small obscure glazed windows, I am not satisfied that this would constitute significant perceived overlooking sufficient to warrant dismissal of the appeal in the absence of other concerns.
20. In the light of the above, I conclude that the development would be detrimental to the living conditions of occupiers of No 30 in relation to outlook. This would be contrary to Policy G1(3) of the Local Plan in respect of the amenities of occupants of existing buildings as well as Paragraph 17 of the

³ Guildford Borough Council, Local Plan adopted January 2003

National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other matters

21. The appellant has raised concerns in respect of procedural issues during the application. However, these are outside the scope of this appeal. The appellant has also stated that the officer's report indicated that the scale of development is acceptable but I am unable to find evidence of this.
22. I appreciate that there has been no objection from neighbours but there may be many reasons why objections are not made. It is not an indication of a lack of harm.
23. Extensions at other dwellings have been drawn to my attention. However, I am not aware of the planning context or circumstances which led to permission being granted and their presence does not serve to justify the proposal before me. Furthermore, even where a similar situation appears to exist, as at 40 Daryngton Drive, the rear extension faces a secondary kitchen window on the adjacent dwelling and replaced an outbuilding sited hard on the boundary, which is not the situation before me. The construction of additional dwelling on the plot of 5 Queen Eleanors Road has also been highlighted but this has been built on a large corner plot. It relates in scale and proportion to the neighbouring dwelling and is not of relevance to this appeal.

Conclusion

24. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR