

# Appeal Decision

Site visit made on 18 October 2017

**by Martin H Seddon BSc DipTP MPhil MRTPI**

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

**Decision date: 10 November 2017**

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**Appeal Ref: APP/Y3615/D/17/3178958**  
**8 Kyngeshene Gardens, Guildford, GU1 2AJ**

- 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 Brigid Jackson against the decision of Guildford Borough Council.
  - The application Ref: 17/P/00555 was refused by notice dated 6 June 2017.
  - The development proposed is: a rear dormer.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Council's decision notice refers to saved policy H9 of the Guildford Borough Local Plan. However, because the appeal building is within an urban area, policy H8 would be applicable.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the building.

## Reasons

4. No.8 Kyngeshene Gardens is a two-storey dwelling located within a terrace of four dwellings. It is part of a modern mews development comprising fourteen properties of similar style and design.
5. The proposed dormer roof extension would be built across the rear gable, with a maximum depth of around 4.15m, a width of around 3.35m and a height of approximately 1.75m. It would be set down around 0.26m from the ridge of the main roof and set in around 0.5m from the neighbouring properties to each side and approximately 0.5m in from the rear gable end.
6. The dormer would have two rear facing triangular uPVC window units and a roof light within its flat roof. There would also be two rooflights proposed within the front roof slope to allow daylight into the en-suite and to illuminate the staircase. A new window is proposed within the rear gable end to provide daylight, ventilation and outlook for the proposed new bedroom.
7. The Council considers that the proposed dormer would not result in any unacceptable impact upon the character and appearance of the surrounding area. I see no reason to disagree, because the dormer would be located at the

rear of the dwelling, with no harmful visual impact on the street scene. The proposed roof lights at the front elevation would also be acceptable.

8. The Council's supplementary planning guidance: *Residential Extensions* advises that dormer windows should respect the appearance of the property and not adversely affect the street scene. The size and design of dormer windows should be sympathetic to the existing dwelling. It adds that the purpose of a dormer window is to provide light and not to gain increases in floor area.
9. The proposed dormer window would provide space for a double bed and en-suite facilities. In this respect its purpose would be to provide additional floorspace, rather than just additional light, contrary to the Council's design guidance. Although it would be set back from the rear elevation of the building, and use matching external materials, a dormer of the depth proposed would appear unduly bulky and out of scale with the building. It would also detract from the appearance of the two prominent rear gables that characterise the appeal dwelling and the adjoining dwelling of No.7 Kyngeshene Gardens. Although the proposed dormer would not impact on the street scene its side elevation would be seen from facing windows in No.10 Kyngeshene Gardens.
10. A dormer of the size proposed would not be a proportionate addition and would conflict with Local Plan policy G5, which sets out elements of a design code for development proposals. It would conflict with Local Plan policy H8. This is because its dimensions and bulk would have an adverse effect on the scale and character of the dwelling. It would also conflict with the objective of achieving good design in the National Planning Policy Framework.

### **Other Matters**

11. The appellant has drawn my attention to roof dormer extension at No.6 Kyngeshene Gardens which was granted a Certificate of Lawfulness that was submitted to establish if a proposed L-shaped dormer loft conversion constituted permitted development. In allowing the certificate, the Council appears to have overlooked the fact that permitted development rights were removed as part of the Secretary of State's decision in 2003 to allow the erection of the dwellings that form the development. The dormer that has been constructed at No.6 is large and bulky. However, I consider that its existence is not a material consideration that is sufficient to outweigh the conflict from the appeal proposal with the Council's design guidelines and development plan policies.
12. I note that a dormer window has been granted permission and is under construction at No.9 Kyngeshene Gardens. However, that dormer is of a different design, and siting on the roof slope, compared to that of the appeal proposal. It also resembles the appearance of other neighbouring dormers.

### **Conclusion**

13. I have taken all other matters raised into account, including the constraints of the appeal site. However, for the reasons given above the appeal is dismissed.

*Martin H Seddon*

INSPECTOR