



Appeal Decision

Site visit made on 6 January 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/Y3615/D/19/3237761

37 Stoke Fields, Guildford GU1 4LT

- 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 James Gross against the decision of Guildford Borough Council.
 - The application Ref 19/P/00868, dated 13 May 2019, was refused by notice dated 3 July 2019.
 - The development proposed is the construction of a ground floor single storey rear extension, the enlargement of the existing basement & the construction of new side and rear boundary walls. The enlargement of the front basement window, the construction of associated lightwell and associated railings.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. It is clear from the Council's decision that it has no objection to all the other elements of the proposal, apart from the single storey rear extension. I have no evidence before me to reach a contrary view to the Council in this regard and therefore the consideration of this appeal focuses on the effect of the single storey rear extension.
4. During the course of the appeal, the appellant submitted measurements of the garden party wall to No 39 Stoke Fields, including 3 photographs showing the height of the party wall. A copy of this evidence was provided to the Council. This additional evidence does not alter the nature of the proposal, and I am satisfied that the interests of interested parties would not be prejudiced by the evidence being considered. Therefore, the evidence has been taken into account in the determination of this appeal.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the existing building and the surrounding area, including the Stoke Fields Conservation Area; and
 - the effect of the proposed development on the living conditions of the occupants of No 39 Stoke Fields, with particular reference to outlook and light.

Reasons for the Recommendation

Character and appearance

6. The appeal site is part of a terrace of 6 similarly-designed properties. The property has a two storey projection to the rear and a single storey outhouse (used as a utility room) beyond this. A gap of approximately 2.4m is present between the two storey projection and the party wall to No 39 Stoke Fields.
7. With a width of over 4m, the proposal would engulf the existing gap, and encompass a large part of the outhouse, extending significantly towards the boundary with No 35 Stoke Fields. It would extend as far back as the existing outhouse, with a depth of approximately 4.6m. At over 4m tall, the combination of the width, depth and height, would create a bulky addition that would not be sufficiently subservient to the host property.
8. Although the pitch angle of the proposed roof would be similar to that of the outhouse, it would be significantly at odds with the pitch angle of the roof of the main dwelling, resulting in an awkward relationship. This awkward relationship would be continued via the placement of the glazing, which would not sit well with the existing fenestration arrangements, with their pronounced vertical emphasis. Whilst the contemporary design ethos is recognised, the extension's poor integration with the host property would harm its appearance.
9. The appeal site is located within the Stoke Fields Conservation Area ('SFCA'). The Planning (Listed Buildings and Conservation Areas) Act 1990 provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Stoke Grove, to the rear of the appeal site, is also within the SFCA. The row of terraced dwellings which the appeal property is part of has a clear rhythm, with levels being a defining feature. In accordance with the Framework, I give great weight to the conservation of this heritage asset.
10. The proposal would increase the height of the party wall to No 39 by over 1m, with the ridge height of the extension extending nearly 1m higher than this. At this height, the proposal would appear as an incongruous element in the street scene, due to being an isolated example of an extension at this scale, when viewed from Stoke Grove. A large proportion of the glazing would be visible above the rear alley wall, and would appear out-of-place when viewed from Stoke Grove, due to its relationship with the existing property and the lack of similar examples in the locality. The proposed materials (including the use of London type brick and black / graphite coloured metal doors and glazing) would not off-set the incongruous nature of the proposal and its negative effect on the character of the area.
11. I observed that 3 of the properties in this terrace (Nos 41, 43 and 45 Stoke Fields) have single storey rear extensions that extend to their respective side boundaries. However, these are inset, such that they do not protrude past the two storey projection of their respective properties. The proposal would markedly contrast with these nearby extensions, in that the proposal would extend noticeably further beyond the two storey projection of the host property. Accordingly, I do not consider that those nearby extensions are comparable with the proposal. I also observed the development at No 31 Stoke

- Fields¹. Being beyond Stoke Grove, the immediate context of that development is materially different to the appeal site. Additionally, the development at No 31 is of such a larger scale that it is not directly comparable with the appeal proposal. As such, I have assessed the appeal proposal on its individual merits.
12. Given the harm that I have identified, it follows that the proposal would not preserve or enhance the character or appearance of the SFCA. Whilst the harm that would be caused to the significance of the conservation area would be less than substantial, because the proposal would only be visible from a small part of the SFCA, this harm needs to be weighed against the public benefits of the proposal.
 13. The proposal offers several public benefits impacting on the character of the area, including: the reconstruction of the party wall to No 39 (including a timber screen); the use of thin-framed steel 'Crittall' windows for the extension; the replacement of timber fencing with a rear garden wall (including the use of reclaimed bricks to create a 'period-specific' finish); a new timber gate with vertical boarding; the removal of down and soil vent pipes from the façade of the property; the addition of a new basement window and lightwell; and a new plinth and metal railings. These public benefits are tangible, but modest, and taking account of the considerable importance and great weight that needs to be given to the SFCA, all of these public benefits taken together do not outweigh the harm that I have identified.
 14. Overall, I conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the existing building and the surrounding area, including the SFCA.
 15. The proposal is contrary to Policy D3 of the Guildford borough Local Plan: strategy and sites (2015 – 2034) (adopted 25 April 2019) which states that development of the highest design quality that will sustain and, where appropriate, enhance the special interest, character and significance of the borough's heritage assets and their settings and make a positive contribution to local character and distinctiveness will be supported. The proposal would also be contrary to paragraph 184 of the National Planning Policy Framework ('the Framework') which states that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Living conditions

16. Due to its projection and proposed location, the proposed extension breaches the 45 degree guideline, specified in the Residential Extensions and Alterations Supplementary Planning Document (2018) ('SPD'). This means that the proposal would be likely to cause overshadowing to the rear of No 39, including a loss of light to the living room window. However, I agree with the appellant that the guidance in the SPD must be considered against the individual circumstances of the proposal. In this case, the existing two storey projections of both the appeal property and No 39 already reduces light to the living room window of No 39 to a material degree, as does the approximately 2m high party wall. Considering the orientation of No 39 to the appeal property, and taking account of the height of the proposed extension and its roof pitch, any further overshadowing would not be significant. Accordingly, the proposal is acceptable with regards to light.

¹ Local Planning Authority reference: 17/P/00179

17. However, the proposal would be over 4.5m deep and over 4m high, with the boundary wall to No 39 being raised from approximately 2m to over 3m. This expanse of built form on the party boundary with No 39 would result in an imposing and overly-dominant structure close to the garden and living room window of No 39. The outlook from that window is mostly open, due to the distance to the two storey projection of No 37. Although single storey, the scale of the extension would result in an overbearing structure that would be materially detrimental to the outlook from No 39's living room window. The proposal's enclosing effect would also make the rear garden of No 39 much less pleasant to use. Accordingly, the single storey rear extension would be detrimental to the living conditions of the occupants of No 39.
18. The proposal would resolve the existing issue where overlooking is possible from the kitchen windows of No 37 to the windows opposite at No 39. However, this benefit would not offset the dominating and harmful effect caused by the overall mass of the proposal on the living conditions of the occupants of No 39.
19. Whilst any overshadowing would be minimal, I conclude that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupants of No 39 Stoke Fields, with particular reference to outlook. The proposal conflicts with saved Policy G1 (3) of the Guildford Borough Local Plan (adopted January 2003) which seeks to protect the amenities enjoyed by occupants of buildings from unneighbourly development. The proposal is also contrary to paragraph 127 f) of the Framework, which seeks to create places that promote a high standard of amenity for existing and future users. The proposal also conflicts with the advice given in the SPD, regarding avoiding overbearing impacts.

Other Matters/Planning Balance

20. A number of factors have been cited in support of the proposal, including that the proposal would result in a marginal increase in floor space, and the lack of objections from neighbours. These factors are not in dispute and carry neutral weight in my consideration of the proposal. The proposal would improve the living accommodation available to the appellant. However, as this would mainly be a private benefit, this has been given very limited weight.
21. In conclusion, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion and Recommendation

22. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR