



Appeal Decision

Site visit made on 4 September 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2020

Appeal Ref: APP/Y3615/D/20/3254600

15 Tormead Road, Guildford GU1 2JA

- 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 Jones against the decision of Guildford Borough Council.
 - The application Ref 20/P/00382, dated 26 February 2020, was refused by notice dated 24 April 2020.
 - The development is described on the application form as 'Additions and alterations (amendment to planning permission 19/P/01742)'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a front porch canopy, first floor front extension, two storey front/side/rear extension, first floor side box structure and changes to fenestration at 15 Tormead Road, Guildford GU1 2JA in accordance with the terms of the application, Ref: 20/P/00382, dated 26 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P18-101-P-001:Rev A, P18-101-P-002:Rev B, P18-101-P-101:Rev B, P18-101-P-102:Rev B, P18-101-P-103:Rev B, P18-101-P-301:Rev D, P18-101-P-302:Rev D, P18-101-P-303:Rev B, P18-101-P-304:Rev B.
 - 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) Within 3 months of the date of this decision, the window within the side facing box feature on the north east elevation, as shown on Drawing number P18-101-P-302:Rev D shall be fitted with obscure glazing (to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent) and no part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. If the works are not undertaken within 3 months of the date of this decision, the use of the first-floor bedroom for any purpose shall cease. Upon implementation of the works specified in this condition, the works shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. In the interests of precision, I have used the description of development from the appeal form and the Council's decision notice in my formal decision.
3. The original planning application was determined on a part-retrospective basis by the Council. At my site visit, I noted that the works relating to the various extensions had been undertaken at the appeal property. However, it was apparent that the works were not complete. For instance, the tile hanging had not been installed on the front elevation of the porch canopy and the chimney stack had not been reinstated. As such, I am determining this appeal on a part-retrospective basis.

Main Issues

4. The main issues are (i) the effect of the development upon the character and appearance of the area; and (ii) the effect of the development upon the living conditions of the occupiers of No 13 Tormead Road in respect of privacy.

Reasons

Character and appearance

5. The appeal property is a two-storey detached dwelling, which is positioned on the southern side of Tormead Road. The property has a brick exterior under a gable roof form.
6. The surrounding area has a suburban residential character and the properties along Tormead Road predominately consist of a mix of single-storey and two-storey detached dwellings, which feature a variety of roof forms including hipped roofs, catslide roofs and gable roof forms. Nevertheless, the properties typically have brick and tile hung exteriors, which results in a design balance and symmetry that contributes positively to the character and appearance of the area.
7. The development consists of the erection of a porch canopy; a first-floor box structure to the north east side elevation; extensions to the front, side and rear of the host building; and changes to fenestration at the host building.
8. The Council argue that the first-floor box structure on the side elevation is an incongruous design feature to the host building, which causes harm to the character and appearance of the area.
9. Notwithstanding the above, the acceptability of the other works to the appeal property have not been disputed by the Council. Based on my site visit, which included an assessment on the acceptability of the development when considered as a whole, I have no reason to disagree with the Council in respect of this matter.
10. The first-floor box structure is tied into the roof of the host building, which creates a catslide roof form to the side of the host building. Whilst I recognise that other properties on Tormead Road do not feature side facing box structures, when viewed from the street, the roof form of the development has a similar appearance to other properties on Tormead Road, which have catslide roof forms.

11. Moreover, owing to its limited projection and the extent to which it is set back from the front elevation of the host building, in addition to the tile hung exterior which is well related to the design of the host building and the surrounding properties, I consider that the box structure does not compete with the architectural integrity of the host building, nor is it a dominant feature within the streetscene.
12. To conclude, the development retains a subservient relationship with the host building and safeguards the architectural interest of the dwelling. In addition, the development is in-keeping with the character and appearance of the area.
13. As such, the development accords with Policies H8 and G5 of the Guildford Borough Local Plan (2003) (the 'LP') and Policy D1 of the Guildford Local Plan: Strategy and Sites (2019), which amongst other things, requires development, including residential extensions, to have no adverse effect on the scale and character of the existing dwelling and to achieve a high quality design that reflects the local character.
14. To this regard, the development accords with the Council's Residential Extensions and Alterations Supplementary Planning Document (2018) (the 'SPD'), in so far as the development is appropriate to the character and appearance of the existing property and to the existing street scene around the property.
15. Accordingly, the proposal would be consistent with paragraph 127(c) of the National Planning Policy Framework (the 'Framework'), which requires development to be sympathetic to the local character.

Living conditions of neighbouring occupiers

16. To the side of the appeal site is the neighbouring residential property, No 13 Tormead Road. The side elevation of No 13 features first floor windows that face the side elevation of the appeal property.
17. At my site visit, from the side facing window located within the first-floor box structure, I was able to observe that occupiers of the first-floor bedroom have clear and unobstructed views into the side facing windows of No 13. Given the limited separation distance between the two properties, I share the Council's view that overlooking from this window results in a loss of privacy for the occupiers of No 13.
18. The Planning Practice Guidance¹ explains that "When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects."
19. The appellant suggests that the installation of obscure glazing would overcome this issue and prevent harmful overlooking into the side facing windows of No 13. I share the appellant's view on this matter, and I am satisfied that the imposition of a planning condition to secure the installation and retention of obscure glazing would satisfy the tests as laid out in paragraph 55 of the Framework.

¹ Planning Practice Guidance: Paragraph: 001 Reference ID: 21a-001-20140306 (Revision date: 6 March 2014)

20. On that basis, the development would not result in a loss of privacy for the neighbouring occupiers of No 13. As such, the development accords with Policies H8 and G1(3) of the LP, which amongst other things, requires development to avoid unacceptable harm to the amenity of occupiers/users of nearby properties. Moreover, the development accords with the Council's SPD, in so far as it does not adversely affect the amenity of neighbouring occupiers.
21. Given the above, the proposal would be consistent with the aims of Paragraph 127(f) of the Framework, which requires that development does not have an adverse impact on the amenities of existing and future occupants.

Conditions

22. The Council have suggested three conditions which I have considered against the tests as laid out in paragraph 55 of the Framework.
23. The development pursuant to this appeal has already commenced and this appeal has been determined on a part-retrospective basis. Therefore, it is not necessary to impose the standard three-year time limit condition.
24. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
25. In the interests of the character and appearance of the area, it is necessary to impose a condition requiring the external materials to match those on the existing property.
26. To protect the living conditions of neighbouring occupiers, it is necessary to impose a condition relating to the installation and retention of obscure glazing.

Conclusion

27. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell

INSPECTOR