
Appeal Decision

Site visit made on 3 September 2020

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/Y3615/D/20/3248682

7 Wherwell Road, Guildford GU2 4JR

- 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 T Littlejohns against the decision of the Guildford Borough Council.
 - The application Ref 20/P/00029, dated 9 January 2020, was refused by notice dated 28 February 2020.
 - The development proposed is new front boundary wall, driveway alterations, three storey side extension, and single/two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the appeal form which is the same as the Council's decision notice because the application form is incorrect in its description of the proposed development.
3. The appellant, in submitting his appeal statement, included drawings of an alternative design at the rear which would increase the stand off slightly from the boundary with No 9. Having viewed these drawings I consider this is a material amendment to the application as originally submitted and there is no evidence that it has been subject to formal neighbour consultation. As such, the interests of third parties could be prejudiced. Accordingly, I have not taken this amendment into account and have instead determined the appeal on the basis of the scheme which was before the Council.
4. Although not requested to do so, I took the opportunity whilst on the site visit to ask the neighbouring occupant for permission to view the proposal from the rear garden of No 9 Wherwell Road. The appellant was made aware of my intention and the visit to the rear garden was unaccompanied and, other than making my request of the neighbour, I did not discuss the proposal with him.

Main Issues

5. The main issue is whether the proposed development would have an adverse impact on the living conditions of present and future occupants of No 9 Wherwell Road and 1 Testard Road in terms of proximity and overlooking.

Reasons

6. Wherwell Road is a residential street lined with Edwardian detached houses in

brick and slate. Most are 2 storey but in the case of Nos 7 and 9 the houses have a lower ground floor which because of the steeply sloping site means the house is a full three storeys at the rear.

7. No 7 and its neighbour were originally both built with driveways to the side and a greater degree of side separation than is typical elsewhere in the street but No 9 now has a recently built 2 storey side extension which extends to the side boundary.
8. The appeal proposal is a resubmission following dismissal on appeal (Ref APP/Y3615/D/19/3238807) of similar extension proposals. The Inspector in that case dismissed the proposal because of the impact on living conditions for the occupants of No 9. The revised scheme makes a number of changes in response including lowering the level of the single storey sunroom at the rear and removing the proposed patio and increasing slightly the stand-off between the rear 2 storey extension and the boundary with No 9. The issue is whether the changes are sufficient to meet concerns and comply with policy.

Living Conditions

9. The proposed side extension, although high at a full 3 storeys and extending to around a metre from the side boundary, would not extend beyond the rear elevation of No 9. Although there is one side window in the ground floor to No 9's extension which would be adversely affected by the proposed side extension this is a secondary window. Given that this is part of a recent addition that extends to the plot boundary it would be unreasonable to use this as a justification preventing No 7 from also being able to be extended to the side. The remaining gap between the two properties would be narrow but not substantially different to the narrow gaps between properties elsewhere on Wherwell Road. Proximity of the side extension to No 9 is not therefore of itself overbearing or problematic.
10. The rear extension would extend at 2 storeys along most of the length of the new rear elevation terminating approximately 2 metres from the side boundary where it would drop down to single storey for a further metre. I acknowledge that this arrangement would mean the 45° rule applied to the closest window in No 9's extension would be met. However, No 9 has an elevated terrace on the rear of the property and the fact that the proposed rear extension projects about 2.3 metres beyond the rear elevation of No 9 and is two storey in height would be oppressive and overbearing on the terrace. Moreover, *Residential Extensions and Alterations Supplementary Planning Document* (SPD) advises that in respect of rear extensions they should not extend beyond the original width of the rear of the property being extended and particularly when they are 2 storey in height. In this case the extension would extend about 3.5 metres beyond the original building. Even if I were to accept that the amended proposal submitted with the appeal was procedurally acceptable the proposed rear extension in that case would still not comply with the SPD guidance.
11. In terms of overlooking, the rear facing windows in the rear extension would only afford oblique views towards the garden of No 9 and not dissimilar to the views from the current rear facing windows. I am satisfied that the removal of the previously proposed elevated patio and the lowering of the sunroom means that the potential for additional overlooking of No 9's terrace and garden from these elements and resultant loss of privacy would be avoided.

12. In respect of No 1 Testard Road, it has been put to me that the proposals would result in overlooking into both the kitchen window and garden. The kitchen window is in part screened by an evergreen tree and, even allowing for the proposed rear extension resulting in windows being closer, the intervening distance between windows in the two properties would be about 15 metres and not dissimilar to other distances between facing windows in the vicinity. Boundary fencing between the garden to No 1 Testard Road and the appeal property coupled with the fact that the gardens in Testard road are considerably lower than the appeal site means that the opportunities for additional overlooking from the windows of the proposed rear extension (ie from 2 bedrooms only) would be minimal. Consequently, additional overlooking of either property would not, of itself, justify dismissing the appeal.
13. Whilst additional overlooking would be unlikely to impact on living conditions for occupants of neighbouring properties the rear extension element of the proposals would be overbearing on the terrace and to some extent the garden to No 9. The *National Planning Policy Framework* (the Framework) at paragraph 127 requires developments to achieve a high standard of amenity for existing and future users. Policies G1(3) and H8 of the *Guildford Local Plan 2003* (GLP) are consistent with the Framework in requiring that proposals should be designed to ensure that the amenities enjoyed by occupants of adjacent buildings are protected. Whilst the policies do not expressly refer to developments which would be overbearing because of their close proximity, the SPD prepared by the Council to guide residential extensions does at Section 2.2. The policy objectives of Policies G1, H8 and the SPD would not therefore be achieved by this proposal. It would be unacceptable in terms of the impacts on living conditions for present and future occupants of No 9 Wherwell Road as a result of the dimensions and close proximity of the rear 2 storey extension to the side boundary. The revisions following the previous appeal go some way to resolving the impacts but not far enough in respect of the scale, mass and positioning of the rear extension.

Other Matters

14. I acknowledge that the proposal would bring a vacant unused property back into use and would make full and effective use of it by providing additional accommodation, an objective which is supported by paragraph 118 of the Framework. However, it has not been demonstrated that the current proposal is the only way these benefits could be achieved and therefore the benefit would not outweigh the harm to the living conditions for neighbouring occupants at No 9 Wherwell Road.

Conclusion

15. I have considered the matters before me but conclude, for the above reasons, that the appeal should be dismissed.

P. D. Biggers

INSPECTOR