



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: 20 October 2020

Appeal Ref: APP/Y3615/D/20/3253568

Lux Domus, Fort Road, Guildford GU1 3TE.

- 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 C Light against the decision of Guildford Borough Council.
 - The application Ref 20/P/00078, dated 16 January 2020, was refused by notice dated 11 March 2020.
 - The development proposed is alterations to the roof to form an additional storey/roof terrace and a proposed lift at the rear together with other minor internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of this appeal the Government has published an amendment to the *General Permitted Development Order (GDPO) in the Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2020*. This introduces a new class of permitted development (Class AA) relating to the enlargement of a dwelling house by construction of additional storeys. However the amended GPDO requires the developer of such an enlargement to go through a prior approval process. Whether prior approval would be granted for an enlargement to the property would be a matter for the Council to determine in the first place following an application. The GPDO amendment does not therefore impact on my determination of this appeal.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surroundings of Fort Road.

Reasons

Character and Appearance

4. Fort Road, where the appeal site is located, is characterised by large detached houses in extensive plots. The houses are individually designed in a mix of styles some traditional in design and some, including the appeal property, being built in a modern, contemporary style. Because of the topography, the houses on the north side of the road (the appeal side) are set above the road whilst those on the south side are set down below it. Generally, the houses in the immediate vicinity of the appeal site are 2 and 3 storey properties with the third storey often in the roof space in the traditional, pitched-roof properties. Typically, because of the change in level from south to north on the north side of the road, the front elevations in many properties are taller than those to the rear.

5. Lux Domus has been designed with a full 3 storeys to the Fort Road frontage. It takes the form of a broadly cuboid shape in a contemporary style with a small lower offshoot over the garage at the east end. The floorspace is arranged in 2 bays on either side of an inset glazed stairwell. The whole has a simple, crisp appearance with a strong horizontal emphasis.
6. The appeal proposal seeks to construct a fourth storey on top of the existing house on a slightly smaller footprint than the existing house allowing space for a roof terrace to front and rear which would be screened by obscure glazed balustrades.
7. This introduction of an additional storey would appear in design terms as an afterthought, altering the simple form and changing the horizontal character. It has been put to me that in inseting the additional storey from the edges of the existing house and including a high proportion of glazing the impact would be minimised. However, as the additional mass and height and altered shape fundamentally changes the character of the building, I am not persuaded that this approach would be appropriate.
8. Equally importantly, whilst Fort Road is not within a conservation area, it is nevertheless an attractive street where, because the mass and height along the frontage is broadly comparable, there is a coherence to the street scene. Approaching Lux Domus from either direction on Fort Road this progression along the north side of the street with the mass and scale of buildings broadly reflecting each other is a very apparent characteristic.
9. I have been invited to conclude that as Lux Domus and its neighbour to the east are already of a different architectural period and style to other properties, that the additional height would not be unduly intrusive viewed from street level. However, given the consistency in the street scene, to introduce additional height on Lux Domus alone would result in a building noticeably higher than its neighbours and be an unduly dominant intrusion in the street scene to the detriment of its character.
10. It has also been put to me that other properties in the road are built to four storeys and therefore the proposal at Lux Domus would not be out of character. However, some of these on the south side of the road, e.g. No 16, retain the appearance of 2 storeys on the road frontage whilst the site level drop front to rear allows 4 storeys to the rear. Nos 23A and 23B on the north side of Fort Road have also been referred to but these are not a full 4 storeys, the upper rooms being within the roof space and the basement used for garaging. In any event they retain the design principle of maintaining the height and scale of the older houses on either side at Nos 23 and 25. This would not be the case with respect to the proposals for Lux Domus and its relationship to immediate neighbours. I have also been referred to No 21 but, inasmuch as this is set on higher land to the north of Lux Domus, it is inevitably higher than the properties closer to Fort Road.
11. The *National Planning Policy Framework* (the Framework) at paragraph 127 requires developments to be sympathetic to local character to create high quality buildings and spaces. Policy D1 of the *Guildford Local Plan Strategy and Sites* (GLPSS) reflects this, requiring new development to reflect distinct local character and to respond to and reinforce locally distinct patterns of development. Additionally, Policy G5(1) and H8 of the *Guildford Local Plan 2003* (GLP) which are also consistent with the Framework seek development that respects established street patterns and relationships with other buildings and, in respect of extensions specifically, that they do not adversely affect the scale and character of the dwelling and its existing context and character. Inasmuch as the proposal would

result in a fundamentally different building on the appeal site Policy G5(2) would also apply requiring new buildings to respect the height, scale and proportions of the surrounding environment. The *Residential Extensions Supplementary Planning Document* (SPD) prepared by the Council to guide residential extensions supports these policies and at Section 2.1 advises that the character and established patterns of development in the street should be considered when planning developments. In respect of the building itself it requires extensions to respect the proportions and the existing character of the dwelling which in this case the proposal would fail to do.

12. For the reasons above, the design objectives of Policies D1, G5 and H8 and the SPD would not therefore be achieved by this proposal and it would be unacceptable in terms of the impacts on the character and appearance of Lux Domus itself as the host dwelling and of Fort Road.

Other Matters

13. Concerns have been raised by third parties that the proposed roof extension will be overbearing in respect of the garden of No 19 Fort Road and that it would result in overlooking to No 19 and Inner Court and Pewley Fort to the north.
14. The proposal includes obscure glazed balustrades to the sides of the roof terraces and therefore overlooking to east and west would not be an issue. There is a substantial tree screen between Lux Domus and Inner Court and although in the winter when the trees are bare there would be some intervisibility, this would be at some distance. In any event, if I were to allow the appeal, installation of an obscure glazed balustrade on the north side could be controlled by condition.
15. With regard to whether the additional storey would be overbearing on the garden of No 19 Fort Road the additional height would have some impact on the section of garden closest to it. However, as the proposal would have little effect on the outlook from the dwelling itself and other parts of its gardens, it would not unacceptably harm the living conditions of the occupiers of 19 Fort Road.
16. I accept that the appellant, in proposing the roof extension, would be seeking to make sustainable and effective use of an existing dwelling, an objective which is encouraged by the Framework. However, this would not outweigh the harm to the character and appearance as a result of the proposal or justify an exception to policies and guidance in this case.

Conclusion

17. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR