



Appeal Decision

Site Visit made on 9 August 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2021

Appeal Ref: APP/Y3615/W/21/3269488

13 Epsom Road, GUILDFORD GU1 3JT

- 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 Yiu Wan against the decision of Guildford Borough Council.
 - The application Ref 20/P/01877, dated 5 November 2020, was refused by notice dated 2 February 2021.
 - The development proposed is the erection of a two-storey extension and three storey addition to the existing building to form a one-bedroom flat and an additional bedsit with reconfiguration of existing two-bedroom flat to form a one-bedroom flat, following the demolition of the existing rear single storey extension. The existing ground floor commercial use is to be reduced in size and changed from A3 to A1/A2 use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (The Framework) was published with immediate effect on 20 July 2021. Policies within the revised Framework are material considerations which should be taken into account in decision making. Main parties have been given an opportunity to comment on the new Framework and I have taken into account any subsequent comments received in arriving at my decision.
3. The site is subject to a recent dismissed appeal decision¹ for an extension that was similar in form to the proposal, but included a larger second floor element, front facing rooflights and a Juliette balcony. In that case, the Inspector concluded that the proposal would not preserve or enhance the conservation area and would harm the living conditions of the neighbouring property. I shall return to this later in my decision.
4. The decision notice refers to drawing J1635-03B (roof plan) and J1635-05C (site plan). However, the appellant has stated that the pertinent respective plans are J1635-03D and J1635-05A. Revision 'D' of the roof plan is identical to 'C' apart from the addition of dimensioning and is therefore not materially different. Furthermore, I am satisfied that the site plan '05A' is a clear and accurate reflection of the site. I shall therefore pay regard to the appellants referenced plans, rather than the Council's list.
5. The Council's first Reason for Refusal identifies harm to the character and appearance of the area but has not referred to policy HE7 of the Guildford

¹ Planning Appeal Reference: APP/Y3615/W/20/3251818

Borough Local Plan (2003) (LP1) (development within conservation areas) within this reason. However, in reading the Council's evidence, it is clear to me that this policy would be relevant. I have therefore taken this into account in my consideration of the appeal.

Main Issues

6. The main issues are:

- Whether the proposed development would preserve or enhance the character or appearance of the Waterden Road Conservation Area (WRCA),
- The effect of the proposal on the living conditions of 15 Epsom Road (No 15), with particular regard to daylight, sunlight and outlook, and
- Whether the proposal would affect the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Character and appearance

7. The appeal site is within a parade of retail units on the edge of Guildford town centre. The two-storey row is arranged around the junction where Epsom Road meets London Road. The parade is of a traditional design, located on a prominent corner site, and makes a positive contribution to the character and appearance of the WRCA.
8. Being within the WRCA the statutory requirements² entail that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The significance of the WRCA seems to derive from its nature as a residential suburb containing large residential properties, which largely date from the Victorian period.
9. The rear courtyard includes some rear extensions and dormers. These are largely subservient to the rear elevation of the terraced row. As a result, the two-storey rear extension to the rear of No 11 stands in some contrast to the otherwise deferential nature of these additions.
10. The two-storey element of the scheme would be of a sizeable depth and height resulting in a sizeable addition to the building. This would be disproportionate to its existing simple form of the host building. Furthermore, the second-floor roof element would add significant further mass to the existing roof with a dominant and disproportionate projecting gable roof form. The aggregated mass of both components would be substantial when taken in combination. This would be at odds with the generally discrete form of existing rear additions and would especially dominate the roof form of the terraced row. Although the proposal would include matching materials and a tiled roof, these design merits would not negate the harm that would be caused by the proposed anomalous addition within this context.
11. The harm identified would not be offset by the location of the proposal which is not within the public realm. As such, whilst slightly smaller than the scheme the subject of the dismissed appeal, the proposal would still result in harm to the conservation area.

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

12. In terms of the advice in paragraph 202 of the Framework, the harm to the conservation area would be 'less than substantial' affecting only its immediate surroundings. The Framework sets out the need to address 'less than substantial harm' in a balanced manner against the public benefits associated with such schemes. The proposal would deliver two dwellings, provide some additional revenue to local services and would provide some employment during construction. However, these benefits would be limited based on the scale of the proposed development. These would therefore be insufficient to outweigh the harm identified to the significance of the conservation area.
13. Consequently, the proposed development would neither preserve nor enhance the character or appearance of the conservation area. Accordingly, the proposal would not satisfy saved policy H4, HE7 and G5 of the LP1 and policy D1 of the Guildford Borough Local Plan Strategy and Sites 2015-2034 (2019)(LP2). These policies seek, inter alia, for development to be in scale and proportion with the surrounding area and to preserve or enhance the character or appearance of the conservation area. These policies are in conformity with the Framework which seeks development to be sympathetic to local character and history.

Living conditions

14. The rear elevation of No 15 includes windows that serve residential accommodation. The proposed rear extension would place a large and bulky addition within close proximity of these rear windows. This rear projection would detrimentally reduce the field of vision of occupiers of the flat and create a dominating sense of enclosure for its occupiers. This would have a substantial and demonstrable effect on both the occupier's outlook and access to daylight.
15. The rear elevation of the parade is north facing. As a result, morning sunlight would be unaffected by the proposal and afternoon/evening sunlight would be affected to a limited degree due to the proximity and orientation of existing buildings to the west of the site. The previous Inspector of the dismissed appeal found that the proposal would result in a substantial loss of sunlight. However, the second-floor component has been reduced in scale and would now result in a reduced effect in this regard. As a result, occupiers of No 15 would be unlikely to suffer a substantial loss of direct sunlight.
16. There is some dispute between parties as to whether the second-floor window serves a separate flat or acts as a light well to serve the first floor flat. In either event, the harm found to the living conditions would not be materially reduced whether the second-floor window serves a habitable room or not. This is because of the overall scale and proximity of the proposal and its primary and overt impact on first floor windows.
17. As such, the proposal would result in significant harm to the living conditions of occupiers of No 15 with respect to outlook and daylight. Consequently, the proposed development would not accord with saved policies H4 and G1(3) of the LP1 which seek development to have no unacceptable effect on the amenities of occupiers of buildings in terms of daylight. These are generally consistent with the Framework which seeks to achieve a high standard of amenity for existing and future users.

Special Protection Area

18. The site is within the zone of influence of the TBHSPA. It would have been necessary for me to undertake an Appropriate Assessment as the competent authority if the proposal had been acceptable in planning terms. However, as I have concluded that the proposed development would conflict with other development plan policies, and, given my decision to dismiss this appeal, it has not been necessary for me to consider this matter further.

Other matters

19. I recognise that planning permission was recently given for development to the rear of 8-10 London Road. Full details of these extensions are not in evidence. However, their associated plots are comparatively small and are located close to the inner corner of the parade. Also, the plots and extensions are materially smaller than the proposal and in proportion with the host building. As such, being located in a discrete location and having a minimal effect on the appearance of the courtyard buildings, these do not weigh in favour of the proposal.
20. I also note that the appeal site is subject to planning permission in 2006 for first and second floor extensions. This and the approved extension at No 11 were historical decisions taken in a different policy context. These previous decisions are therefore of limited weight in favour of the proposal.

Conclusion

21. The proposal would harm the character and appearance of the area and living conditions. It would therefore conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR