



Appeal Decision

Site visit made on 27 August 2021

by Julie Dale Clark BA(Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/Y3615/D/21/3274400

28 Foxglove Gardens, Guildford, Surrey GU4 7ES

- 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 J Eagle against the decision of Guildford Borough Council.
 - The application Ref 21/P/00222, dated 4 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is proposed single storey rear extension and rear dormer for loft conversion.
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Decision

1. The appeal is dismissed insofar as it relates to a rear dormer for a loft conversion. The appeal is allowed insofar as it relates to a single storey rear extension and planning permission is granted for the proposed single storey rear extension at 28 Foxglove Gardens, Guildford, Surrey GU4 7ES in accordance with the terms of the application, Ref 21/P/00222, dated 4 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as relevant to that part of the development hereby permitted: -
 - *Drawing Nos: - 20/196 01; 20/196 02; and 20/196 03.*

Main Issues

2. I consider that the main issues are: -
 - the effect of the rear dormer on the character and appearance of the area; and
 - the effect of the single storey rear extension on the living conditions of the occupiers of No 30 Foxglove Gardens.

Reasons

Dormer / Character and Appearance

3. The appeal site is the end house in a terrace of four with access to a garage court to the west with the garages located to the south. The dormer would run from the existing ridge and across most of the width of the house.
4. Local Plan (2019)¹ Policy D1 requires all developments to be of a high quality in terms of design and respond positively to local character. Local Plan (2003)² Policy H8 relates to extensions to dwellings in urban areas and, amongst other things, indicates that permission will be granted provided that the development has no adverse effects on the scale and character of the dwelling or the context and character of adjacent buildings and immediate surroundings. Further guidance is provided in the Council's SPD for residential extensions and alterations³. This includes design considerations for dormer roof extensions. The National Planning Framework⁴ also encourages high quality design.
5. I do not consider that the dormer would be of a design that meets the requirements of these policies and guidance. It would be a large prominent addition to the roof of the house. The dormer would be of a scale and design that would be out of keeping with the original design of the house and although it would be to the rear, it would be prominent and visually intrusive at the end of this terrace, which is otherwise free from rear dormers.
6. I note that the appellant has referred to examples of other planning applications where dormers have been approved but I do not have all the details in relation to these and the details submitted do not persuade me to allow this proposal. On this issue therefore I find that the rear dormer would have a harmful effect on the character and appearance of the area and conflict with policies D1 and H8, the SPD and the Framework as referred to above. This element is therefore unacceptable.

Single storey extension / Living Conditions

7. The proposed single storey extension would extend across most of the width of the house and be splayed at its boundary with the neighbouring property. No 30.
8. Local Plan (2003) Policy G1(3) seeks to protect the amenities of occupants of neighbouring buildings. The Council's SPD introduces the *45 degree guide* to assist in determining the likely loss of light to neighbouring properties.
9. The extension would be a relatively modest one and its design which would splay the end closest to the attached neighbour No 30, would reduce its impact on the occupiers of No 30. The plans indicate that it would not exceed the *45 degree guide* and I do not consider that it would be of a scale that would be harmful to the occupiers of No 30 due to loss of light. Also, I do not consider that its position, depth or height would be such as to appear unduly intrusive, dominant or overbearing.

¹ Guildford Borough Local Plan: strategy and sites 2015 – 2034, Adopted 25 April 2019.

² Guildford Borough Local Plan 2003, Adopted January 2003.

³ Guildford Borough Council Supplementary Planning Document (SPD) 2018 – Residential Extensions and Alterations.

⁴ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

10. I have considered the conditions suggested by the Council in so far as they relate to the single storey rear extension in the light of the Planning Practice Guidance⁵. The Council has suggested a condition requiring the materials to match the existing house which I consider is necessary in order to achieve a satisfactory appearance. I also consider that for the avoidance of doubt and in the interests of proper planning, a condition is necessary to ensure that the extension is built in accordance with the submitted plans.
11. I have considered all other matters raised but, on this issue, I find that no conflict with policy G1(3) or the SPD would arise and the living conditions of the occupiers of No 30 would not be harmed.

Conclusion

12. I have found the single storey extension would not harm the living conditions of the occupiers of No 30 Foxglove Gardens, the proposal would not conflict with the Council's policy or SPD and therefore is acceptable. However, the dormer would have a harmful effect on the character and appearance of the area and conflict with the Council policies, SPD and the Framework. I consider that these parts of the proposal are severable, both being physically and functionally independent. I therefore propose to issue a split decision.
13. For the reasons given above and having regard to all matters raised, I conclude that the appeal in relation to the single storey extension is allowed but the rear dormer is dismissed.

J D Clark

INSPECTOR

⁵ Planning Practice Guidance, Published 6 March 2014 – Last Updated 23 July 2019.