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# Appeal Decision

Site Visit made on 1 November 2021 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

**Decision by Martin Seaton BSc (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 January 2022**

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**Appeal Ref: APP/Y3615/D/21/3275491**

**46 Stoke Fields, Guildford, GU1 4LS**

- 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 Edwin Dixon against the decision of Guildford Borough Council.
  - The application Ref 21/P/00171, dated 29 January 2021, was refused by notice dated 12 April 2021.
  - The development proposed is erection of a single storey rear extension following demolition of existing outbuilding.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension following demolition of existing outbuilding at 46 Stoke Fields, Guildford, GU1 4LS in accordance with the terms of the application, Ref 21/P/00171, dated 29 January 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 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) The development hereby permitted shall be carried out in accordance with the approved plans: DRG. No. 966.10 (JAN 21) Drg. No. 966.11 (APRIL 20), DRG. No. 966.E01 (APRIL 20) Drg. No. 966.E02 (APRIL 20), Drg. No. 966.E03 (APRIL 20), Site Location Plan (scale 1:1250) and Block/Site Plan (scale 1:200).

## Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. During the planning application process the description of the development was revised from that stated on the application form. The revised description is agreed by both parties and therefore I have used that description in the header above.

## Preliminary Matters

4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the

revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

## **Main Issue**

5. The main issues in the appeal are:

- The effect of the development on the character and appearance of the host property and the Stoke Fields Conservation Area (CA); and
- The effect of the development on the living conditions of the occupiers of No. 44 Stoke Fields, with particular reference to outlook and light.

## **Reasons for the Recommendation**

### *Character and Appearance*

6. I have had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which places a duty upon the decision-maker, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. The Framework further advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The CA is characterised by two storey terraced and semi-detached period properties centred around Stoke Fields, an attractive residential road. The appeal property is located at the end of a terrace of six properties. The terrace is not uniform in appearance, but all the dwellings have a similar scale and design to the front elevations. However, the rear elevations display far less consistency in detailing and uniformity than the front, with all the properties in the terrace with the exception of the appeal property appearing to have been previously extended. Several dwellings within the vicinity have also been subject to alterations, including the erection of side extensions. The appeal property makes a positive contribution to the CA.
8. The proposals include the demolition of an existing outbuilding and the addition of a single storey rear extension in materials to match the existing dwelling. Whilst the extension would protrude beyond the side elevation of the appeal property, it would not be readily visible from Stoke Fields due to the boundary wall between the appeal property and No. 48 Stoke Fields (No. 48) to the north, existing vegetation and the presence of a 1.8 metre high gate across the side access of the appeal property. If any glimpsed views of the extension are available, the use of matching materials ensure that it would be assimilated with the form of the host dwelling. I therefore do not agree with the Council that it would appear as a harmful feature in the CA.
9. Whilst the extension would have a greater width than the host dwelling, the height and approximately 4 metre depth of the extension from the rear elevation would not compete with nor overwhelm the appeal dwelling or garden and would be subordinate to the existing building.

10. I acknowledge that the design of the extension features a flat roof and roof lantern which will be a modern addition to the appeal property. However, the lantern itself is a comparatively small feature that does not extend significantly above the roof height of the extension, and this minor feature would not harmfully detract from the character and appearance of the dwelling or the CA.
11. I therefore conclude that the proposed development would not have an unacceptable adverse impact on the character and appearance of the host dwelling and would preserve the character and appearance of the CA and accord with Section 72 of the Act. It would not be contrary to Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015-2034 (Adopted 25th April 2019) which seeks, amongst other things to ensure development is of high quality and responds to distinctive local character. It would also accord with Policy G5 and Policy H8 of the Guildford Borough Local Plan (2003) (the 'Local Plan') which seek, amongst other things, to ensure new development protects the character and appearance of buildings and the surrounding environment. It would also accord with Policy HE7 of the Local Plan which seeks to ensure new development preserve or enhance the character or appearance of conservation areas. It would also accord with the Framework in so far as it requires that development should add to the overall quality of an area and should be sympathetic to local character.

#### *Living Conditions*

12. The neighbouring property No. 44 Stoke Fields (No. 44) is located to the south of the appeal property, and the Council has expressed concern over the impact the proposed development would have on the amount of light received by occupants of No. 44.
13. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) (2018) advises on the tests to ensure daylight for habitable rooms is safeguarded. Although it is indicated that the proposed development would fail the *45 degree* test in relation to a window on the ground floor, it appears from the evidence before me that this window serves a kitchen and therefore does not constitute a habitable room as defined by the SPD. I note the extension will be built up to the common boundary with No. 44, but taking into account the height and the flat roof form of the proposed extension and its location to the north of No. 44, the proposed extension would not significantly or unacceptably reduce the amount of light reaching the kitchen window and an adequate outlook would be maintained. I therefore conclude that the proposal would not feel overbearing or cause material harm to the living conditions of the occupiers of No. 44.
14. For the reasons outlined above, the proposed development would accord with saved Policy G1(3) of the Guildford Borough Local Plan (2003) which seeks to protect the amenities (including access to sunlight and daylight) enjoyed by occupants of buildings from unneighbourly development. The proposal also accords with the Residential Extensions and Alterations SPD (2018) as it does not impact on the daylight received by any habitable rooms of the neighbouring property or result in an overbearing impact on the occupiers of No. 44.

#### **Conditions**

15. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I

have included a condition requiring the external materials to match the existing building to protect the character and appearance of the host dwelling and the CA.

### **Conclusion and Recommendation**

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*Elizabeth Davies*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Martin Seaton*

INSPECTOR