
Appeal Decision

Site visit made on 20 December 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/Y3615/W/21/3274518

4 Worplesdon Road, Guildford GU2 9RL

- 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 Jan and Mohammed Mandozai and Choudhary, on behalf of Choudhary and Mandozai Properties Ltd against the decision of Guildford Borough Council.
 - The application Ref 20/P/01276, dated 26 July 2020, was refused by notice dated 18 March 2021.
 - The development proposed was described as: 'Extension, remodelling and change of use from financial services use (A2) to residential and erection of new Building at rear to provide 10 residential units with associated 12 off street parking spaces at 4 Worplesdon Rd Guildford GU2 9RL.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the living conditions for the occupants of neighbouring properties;
 - ii) the living conditions for future occupants; and
 - iii) the character and appearance of the area.

Reasons

Living Conditions – Neighbouring Properties

3. The appeal site is currently occupied by a part two storey, part single storey structure. The taller element fronts the highway, with the tall single storey aspect forming a deep wing which projects into the site. The proposal would introduce an additional storey with a pitched roof to the front of the building. This increased height and mass would also project to the rear, above the currently single storey structure, and following a small gap in building mass, an additional storey would also be created towards the rear of the existing single storey wing.
4. To the south-west of the appeal site is Wood Court, a development which flanks the appeal site, and which has a number of windows in its side elevation adjacent to the shared site boundary. As identified above, the proposal would significantly increase the bulk and mass of the existing structure. The existing single storey wing would partly increase to two storeys with a generous pitched

roof, and partly 1.5 storeys in height. Such development would significantly and demonstrably increase the bulk and mass of the deep rear wing in a manner that would be in close proximity to the side boundaries of the site. As a consequence, neighbouring windows, particularly at ground and first floor which currently look towards a single storey wing, would look towards a substantially larger and more imposing structure. Consequently, despite the reduced eaves height, and the break between the upper storey structures, the increased bulk and mass would result in an enclosing form of development. Due to its height, depth and proximity, it would have an overbearing and oppressive impact on neighbouring occupants. Accordingly, in my judgement, it would be severely detrimental to the existing outlook from this neighbouring property and, as a consequence, it would result in an imposing and dominant form of development.

5. The proposal would have a materially different relationship with No 6 Worplesdon Road. This property has a deep footprint and does not include windows which look towards the appeal site. Although the existing building would become larger, its enlarged projection would be comparable with the depth of No 6. Consequently, this element of the proposal would not cause a harmful effect to the occupants of the neighbouring property. The additional storey to the end of the existing wing would increase the height of this part of the building on the shared boundary. However, the increased bulk would primarily take the form of a pitched roof which would limit the mass of this element of the proposal on the boundary. Accordingly, due to the limited bulk of this aspect, I am satisfied that its effect on the adjacent open space would not be significant. The proposal would therefore not have a detrimental impact on No 6.
6. The proposal would also introduce development to the rear of the site in the form of a terrace of three, two storey properties. Due to the sloping topography of the site, these properties would be situated at a demonstrably lower level than the buildings which front the highway, a matter helped by the low eaves height proposed. In addition, the length of the appeal site is such that these properties would be removed from neighbouring development. On this basis, I am satisfied that these properties would not harm the living conditions of the occupants of neighbouring properties.
7. However, for the reasons identified above, I conclude that the proposals to the existing building would have a harmful effect on the living conditions for the occupants of neighbouring properties. It would therefore fail to comply with Saved Policy G1(3) of the Guildford Borough Local Plan (2003) (SLP) which seeks to protect the amenities enjoyed by the occupants of buildings.

Living Conditions – Future Occupants

8. The ground floor accommodation would include many windows that would look towards the side boundaries of the site. Apartment F5 would contain windows on two elevations, one which would provide frosted, non-openable high-level windows, and one which would provide windows in close proximity to Wood Court. Due to the use of frosted high-level windows, future occupants would rely on the other openings for their outlook. However, due to the presence, scale and proximity of Wood Court, outlook from these windows would be demonstrably poor.

9. Apartment F7 would also have non-opening high-level windows, this time facing Wood Court. Accordingly, the accommodation would rely on its outlook from windows within its north east facing elevation. However, these windows would be in close proximity to the new roof construction located to the end of the existing wing. As a consequence, the outlook from these windows would be towards a substantial structure that, due to its proximity, would have an overbearing and oppressive impact when viewed from the facing windows. In my judgement, this would have an imposing and enclosing effect on future occupants that would be to the detriment of their living conditions.
10. The proposal would include private amenity space for the proposed apartments to the rear of the existing wing. The space would not be substantial, however, based on the evidence before me, the Council do not have minimum standards for such amenity space. Accordingly, with regard to this matter, I am satisfied that the proposal would not be harmful. However, for the reasons identified above, the proposal would provide a demonstrably harmful outlook for apartments F5 and F7. On this basis, I therefore conclude that the proposal would fail to provide suitable living conditions for future occupants. As a consequence, it would fail to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites (2019) (LP), and saved Policies G1(3) and H4 of the SLP. Taken together, these seek amongst other things, high quality design which protects amenities for occupants.

Character and Appearance

11. The existing building presents a wide flat roof structure located between two large buildings with generous pitched roofs. The broader environment is also generally host to buildings with pitched roofs. Accordingly, although building scales and types vary in the immediate locality, due to its prominent flat roof, the existing building does represent a large anomaly to the prevailing street scape.
12. To the front of the site, the proposal would introduce a pitched roof onto the building as well as some fenestration alterations. The overall effect of this would be to create a building which harmonises more closely with its immediate neighbours. Accordingly, in my judgement, this element of the proposal would introduce a degree of betterment to the street scene.
13. The elements to the rear would be inconspicuous from the public realm and the grain of development is such that buildings do run deep into their plots. Moreover, buildings are also present beyond the building line. As a consequence, I find that the elements beyond the immediate frontage block would result in discreet additions to the surrounding environment.
14. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. Consequently, it would comply with Policy D1 of the LP, and saved Policies H4 and G5 of the SLP, as well as guidance within the Residential Design Guide Supplementary Planning Guidance (2004). Taken together, these seek amongst other things, high quality design that responds to local character.

Other Matters

15. The appeal site is situated in close proximity to the Thames Basin Heaths Special Protection Area. Accordingly, had my findings on the main issues been

different, the effect of the proposal on the integrity of this area would have required due consideration. I note that the appeal has been accompanied by a Section 106 legal agreement to deliver the desired mitigation, however, in light of my findings set out above, it is not necessary to consider this matter further. Had the legal agreement suitably addressed the matter, it would only result in a neutral impact and consequently, it would not weigh in favour of the appeal.

Conclusion

16. The proposal would result in some visual enhancement to the street scene, and this is a matter to which I attach moderate weight. However, the proposal would cause significant and demonstrable harm to the living conditions of neighbouring properties and due to the level of harm, this is a fundamental shortcoming of the proposal to which I attach significant weight. The proposal would also fail to provide suitable living conditions for future occupants. Consequently, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR