The Planning Inspectorate

Appeal Decision

Site visit made on 2 February 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 FEBRUARY 2022

Appeal Ref: APP/Y3615/D/21/3276276
92, London Road, Guildford GU1 1TH

- 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 Ms Jeanne Kruger against the decision of Guildford Borough Council.
- The application Ref 21/P/00490, dated 8 March 2021, was refused by notice dated 29 April 2021.
- The development proposed is erection of a single storey rear extension and formation of roof terrace and privacy screen to rear along with changes to fenestration and demolition of existing chimney.

Decision

1. The appeal is allowed, and planning permission is granted for erection of a single storey rear extension and formation of roof terrace and privacy screen to rear along with changes to fenestration and demolition of existing chimney. at 92, London Road, Guildford GU1 1TH in accordance with the terms of the application, Ref 21/P/00490, dated 8 March 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 development hereby permitted shall be carried out in accordance with the following approved plans. 2011-92LR2-001 REV 2,2011-92LR2-002 REV 2, 2011-92LR2-003 REV 2, 2011-92LR2-004 REV 2,2011-92LR2-005 REV 2, 2011-92LR2-006 REV 2, 2011-92LR2-007 REV 2 &2011-92LR2-008 REV 2.

    3) The balconies hereby permitted shall not be used until the new permanent side screening has been installed and fitted with obscured glazing in accordance with details shown on plan no. 2011-92LR2-003 REV 2. Once installed the obscure glazed side screening shall be permanently retained thereafter.

Preliminary Matter

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form

Main Issue

3. The main issue is the effect on the living conditions of neighbouring occupiers with particular regard to overlooking to 1 Ennismore Avenue and 94 London Road.

Reasons

4. The proposed development would create two first floor balconies. They would both have 1.7m high obscure glazed screening to the sides closest to the neighbouring houses.

5. The existing first floor windows at no 92 have their main view towards the garden at the host property, with peripheral views possible towards the neighbouring gardens at 1 Ennismore Avenue and 94 London Road.

6. Due to the opaque panels to the side, any views from the proposed balcony would be similar to those which currently exist from the windows. The screening would also prevent any views back towards neighbouring windows. As such the proposed development would not create any new views.

7. The balconies are large enough to allow occupiers to sit out. I am not persuaded that looking out from this space, which is likely to be used only in fine weather, would necessarily increase compared to a window to a bedroom. Nevertheless, the proposed outlook would result in acceptable privacy for neighbouring occupiers, and this would remain the case even if there was increased frequency or duration.

8. The proposed balcony screening would be opaque glazing which would allow light to pass through, and therefore there would not be a harmful loss of light to neighbouring properties. I have had regard to the neighbours' personal circumstances. However, whilst there may be an increase in noise and disturbance during building works this would be required to comply with the relevant legal requirements and would be temporary. As such this would not be unacceptably harmful.

9. The proposed development would have an acceptable effect on the living conditions of neighbouring occupiers with particular regard to overlooking to 1 Ennismore Avenue and 94 London Road. As such the proposed development would be in accordance with Saved Policy G1(3) of the Guildford Borough Local Plan 2003 which seeks to protect occupants from unneighbourly development in terms of privacy, amongst other things.

Conditions

10. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.

11. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. The implementation and retention of the opaque panels is necessary to ensure an acceptable effect on neighbouring living conditions, as such these details should be secured by condition.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR