



Appeal Decision

Site visit made on 3 March 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21ST March 2022

Appeal Ref: APP/Y3615/D/21/3289319

Stoke Villa, Markenfield Road, Guildford, GU1 4PF

- 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 Andrew Eacott against the decision of Guildford Borough Council.
 - The application Ref 21/P/01692, dated 3 August 2021, was refused by notice dated 1 October 2021.
 - The development proposed is part two storey and part single storey rear extension following demolition of a conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for part two storey and part single storey rear extension following demolition of a conservatory at Stoke Villa, Markenfield Road, Guildford, GU1 4PF in accordance with the terms of the application Ref 21/P/01692, dated 3 August 2021, subject to the conditions set out in the attached Schedule to this decision.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of 1 Nursery Villas with particular reference to light and visual impact.

Reasons

3. The appeal property is a semi-detached dwelling, which has a ground floor conservatory extension to the side. The proposal involves the demolition of the conservatory, and its replacement by a single-storey side extension of similar dimensions, albeit that its roof would have a steeper pitch. Alongside it, a two-storey structure is proposed, being an extension to the original two-storey protrusion at the rear of the dwelling.
4. The Council has no concerns as to the design or appearance of the proposals, but considers that they would impact harmfully on the living conditions enjoyed by the occupants of 1 Nursery Villas. The Council's concerns reflect those contained in the representations submitted by a resident of that property.
5. The resident is concerned that the extensions would unacceptably reduce daylight to and harmfully impact on the outlook derived from the rear ground floor window serving her dining room. Both she and the Council consider that

the proposals fail to meet the requirements of the 45⁰ guide set out in the Council's SPD¹.

6. 1 Nursery Villas is itself semi-detached, and is separated from the appeal property by what is best described as an alley or walkway. I walked along the alley during the course of my visit to a point immediately adjacent to the dining room window. I saw that a high timber fence had been erected on the objector's side of the alley close to the dining room window, presumably so as to preserve privacy.
7. The dining room window faces northwards, so that it receives no direct sunlight. The level of natural light the dining room receives is curtailed, not only because of the presence of the appeal property, including its conservatory, but also as a result of 1 Nursery Villa's own rear protrusion and the timber fence mentioned earlier. These structures also partly impede the outlook obtained from the body of the room.
8. The appellant acknowledges that the 45⁰ guide would not be wholly met, but only marginally so. I accept that to be the case. However, given the presence of the various existing structures described above and their effects on daylight and outlook from the window of concern, I do not consider that the proposals, if built, would materially alter the level of daylight currently entering the dining room, and nor would the outlook from it be significantly affected.
9. Accordingly, the proposals, in my opinion, would not make living conditions materially worse within the dining room for the residents of the neighbouring property. The 45⁰ guide, as the terms implies, is a guide and there is no requirement in my view that it should be rigidly adhered to in all circumstances, especially where other factors come into play, and no material harm arises.
10. I conclude that the proposed extensions could be built without materially harming the living conditions currently experienced by the occupants of 1 Nursery Villas. Accordingly, no conflict arises with those provisions of saved policy G1(3) of the Guildford Borough Local Plan 2003 directed to ensuring that new development should not impair the amenities of others.

Conditions

11. In the interests of visual amenity, I shall impose the Council's suggested condition in respect of external materials.
12. It is also necessary, in the interests of certainty that the development shall be carried out in accordance with the approved plans.

Other matters

13. All other matters referred to in the representations have been taken into consideration but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

¹ Guildford Supplementary Planning Document Residential Alterations and Extensions 2018

SCHEDULE OF 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: D1070-1: D1070-2 & D10170-3.
- 3). 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.