



Appeal Decision

Site visit made on 11 March 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2022

Appeal Ref: APP/Y3615/W/21/3284024

Garages, Land to Rear of Bishopsmead Parade, East Horsley KT24 6DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Little against Guildford Borough Council.
 - The application 20/P/01725 is dated 8 October 2020.
 - The development proposed is described as 'Removal of 13 existing purpose built garages. Replace with erection of terrace of three dwellings and associated parking. Construction of refuse and cycle store.'
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr and Mrs Little against the Council. This application is the subject of a separate decision.

Main Issues

3. The appeal was submitted due to the Council failing to make a decision within an agreed period of time. Based on the submitted policies, my site visit, and representations from the parties; I consider the main issues to be the effect of the development on (i) the character and appearance of the surrounding area; (ii) the living conditions of future occupiers, with particular regard to outlook, light, privacy and provision of outdoor space; and (iii) the living conditions of neighbouring occupiers at Chown Court, with particular regard to privacy.

Reasons

Character and Appearance

4. The site comprises garages to the rear of a traditional row of shops on Bishopsmead Parade. In addition to other uses, residential development is present to the rear of the shops. This includes the modern Chown Court apartment complex opposite the site, and more traditional dwellings behind on Bishopsmead Drive. In general, this residential development is situated on generous plots with outdoor space and gaps between properties.
5. The proposal would replace the garages with three terraced dwellings. Although modern compared to the shops, it would be experienced alongside the Chown Court complex and would pick up on design details from dwellings on Bishopsmead Drive and the wider vicinity. In this general sense, it would not appear out of place. While the Council has also raised concerns that the

rear elevation would comprise a blank façade, this would be largely screened from view so as not to appear as a dominant mass of built form in the area.

6. However, the proposal would be constructed close to the site boundaries, with limited useable rear space due to trees. In addition, its terraced nature would leave no gaps between the dwellings. Despite its varied façade and parking spaces, it would appear squeezed onto the site and read as a cramped form of development. This sense would be heightened by the more spacious plots present in surrounding residential development, such that the proposal would read as incongruous and contrived in this context.
7. In contrast to the rear, the front elevation of the proposal would be highly visible in the immediate vicinity. The positioning of sparse windows and the high terrace walls would result in sizeable areas of unbroken brick and stonework on this façade, which would be an imposing addition to the street. It is acknowledged that this design is to address potential overlooking but would nonetheless further accentuate the contrived nature of the dwellings, highlighting the unsuitable nature of the development in this location.
8. For the reasons given above, the proposal would have an adverse effect on the character and appearance of the surrounding area. As such, it would fail to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019), Policy G5 of the Guildford Borough Local Plan 2003, the Residential Design Guide Supplementary Planning Guidance July 2004 and the National Planning Policy Framework, which together seek to ensure good design.

Living Conditions – Future Occupiers

9. To address potential overlooking, no windows would be present along the rear of the proposal, with fenestration positioned exclusively along the side and front elevations. In the main living space at first floor, each dwelling would be served by bi-folding glass doors facing the terrace. It is acknowledged that these terraces are of limited size, such that the view from these doors would look directly onto the nearby tall, solid walls that enclose the outdoor space.
10. With regards to Unit 1, this living space also contains a large window on the front elevation looking onto Chown Court, facing the single storey garages opposite, rather than the apartment complex. This dwelling would also benefit from an additional window to the side. While the built form of the shops would still be nearby, the overall combination of fenestration, and particularly the sizeable front window, ensures the room would not feel enclosed or dark, such that adequate outlook and light would be provided.
11. However, the living space of Units 2 and 3 would be served by a narrower front window which, although long, would have a more restricted outlook such that the nearby apartments would feel more imposing, particularly given the lack of side window. Combined with the enclosed outlook from the bi-folding doors, these living rooms would feel surrounded by nearby structures, leading to a poor and oppressive outlook that would reduce the enjoyment of the rooms. Due to this enclosure and the overall reduced amount of fenestration it is likely that there would also be limited light in these rooms, further contributing to a gloomy living environment.

12. The windows for the ground floor bedrooms would be directly adjacent to the public footpath on Chown Court. These would serve rooms where occupiers would expect a degree of privacy, but would allow clear, unrestricted views into the properties from the passing footpath. This would be obtrusive for future occupiers and would erode their privacy to an unacceptable degree.
13. While the proposed dwellings would benefit from a private terrace, this would be restricted to a modest and enclosed area, the size of which would limit its useful function. The constrained dimensions would be unlikely to comfortably support the range of uses reasonably expected of such space for a dwelling of this size, such as sitting out and drying washing. This space would therefore be both cramped and impractical in the context of the associated dwelling.
14. For the reasons given above, while the proposal would not have an adverse effect on the living conditions of the future occupiers of Unit 1 of the proposal with regards to outlook and light, it would have an adverse effect on the living conditions of future occupiers of Units 2 and 3 with regards to outlook and light, and of all units with regards to privacy and the provision of outdoor space. As such, it would fail to comply with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites 2015 - 2034 (adopted 25 April 2019), Policy G1(3) of the Guildford Borough Local Plan 2003 and the National Planning Policy Framework, which together seek to ensure adequate living conditions.

Living Conditions – Neighbouring Occupiers

15. The proposal would be located directly opposite the apartment complex on Chown Court. Front facing windows at Unit 1 would face the garages opposite, such that no significant overlooking of the apartments would occur. With regards to Units 2 and 3, front views from these dwellings would look directly towards windows serving habitable rooms in the apartments opposite.
16. However, the largest windows at the proposal would look directly onto the first floor terrace, providing no views of the building opposite, with other windows being narrow in nature. In addition, the alignment of the proposed fenestration relative to the windows at the apartment complex, combined with the separation distance, would ensure the proposal would not result in significant overlooking so as to unduly impact the privacy of occupiers at the Chown Court apartments.
17. For the reasons given above, the proposal would not have an adverse effect on the living conditions of neighbouring occupiers of Chown Court with particular regard to privacy. As such, it would comply with Policy G1(3) of the Guildford Borough Local Plan 2003, which seeks to ensure adequate living conditions.

Other Matters

18. The appellant has provided a copy of a previous appeal decision¹ relating to residential development at the site. However, limited information on the nature of that scheme has been provided and, from the plan submitted, it was of a much different design to the proposal. In addition, elements of local policy have changed since this decision. I agree with the Inspector that replacing the garages could enhance the appeal site but, for the reasons set out above, the precise development proposed by this scheme would overall cause harm to the

¹ APP/Y3615/A/06/2019059

character and appearance of the area, and living conditions. As such, limited weight is attached to the findings of this previous appeal.

19. The proposal would be located adjacent to the East Horsley Conservation Area (CA). For the avoidance of doubt, I agree with the Council that this proposal would not fail to preserve or enhance the character or appearance of the CA. This represents a lack of harm and is neutral in the planning balance.

Planning Balance and Conclusion

20. I have found that the proposal would not cause harm to the living conditions of the occupiers of Chown Court but would harm the character and appearance of the surrounding area and to the living conditions of future occupiers. Given the limited weight afforded to the other matters above, when taken together with the lack of harm to living conditions of occupiers of Chown Court, they do not outweigh the significant harm identified to the character and appearance of the surrounding area and to the living conditions of future occupiers by the proposal.
21. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR