



Appeal Decision

Site visit made on 3 May 2022 by Thomas Courtney BA(Hons) MA

Decision by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2022

Appeal Ref: APP/Y3615/W/21/3284190

98 Broad Street, Guildford, GU3 3BE

- 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 Nigel Heslop against the decision of Guildford Borough Council.
 - The application Ref 21/P/00447, dated 4 March 2021, was refused by notice dated 14 July 2021.
 - The development proposed is infill at first floor level with a flat roof together with enlargement of existing dormer window.
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Decision

1. The appeal is dismissed.

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.

Procedural Matters

3. In the interest of accuracy, the description of development as it appears in the header above is based on the decision notice.
 4. Two revised plans (drawing nos. 20001 Rev. 3 and 90001) were submitted during the appeal process. The revised drawing No. 20001 Rev. 3 shows an altered pitched slate roof design with the first-floor flat roofed element, as originally proposed, removed. It also indicates that the existing dormer would remain unchanged. Plan no. 90001 shows the proposed rear (north) elevation of the appeal dwelling and its similarity to the rear elevation of the neighbouring property at No. 100 Broad Street. I note the Council have had the opportunity to comment on these plans during the course of the appeal and consider that the amendments have materially changed the proposal and should thus be rejected.
 5. I have carefully considered the implications of the proposed revisions in the light of the principles of the judgement in *Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]*. The 'Wheatcroft Judgement' is essentially premised upon whether a development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.
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6. I have also had regard to the advice set out in the '*Procedural Guide – Planning Appeals – England*'. The Procedural Guide advises that if an amendment to an application proposal would be likely to overcome a reason for refusal, then this should normally be made by a fresh application. The appeal process should not be used to evolve a scheme and what is considered at the appeal should essentially be what was considered at the application stage.
7. In this instance, I find that the introduction of a pitched roof does indeed materially alter the proposal and cannot be regarded as a minor amendment to the scheme, due to its effect on the character and appearance of the host dwelling. The proposed revisions clearly seek to address the issues of dispute upon which the Council based its decision at the application stage, and specifically the Council's view that the proposed first floor flat roofed rear extension would harm the character of the existing property and have an adverse effect on the context and character of the adjacent buildings and immediate surroundings. The scheme would therefore differ from that which neighbouring residents understood as the proposal and if allowed, the effect of the revision would be that the appeal process would have been used as a means to amend the scheme so as to overcome a reason for refusal.
8. On this basis, I am satisfied that it would be prejudicial to the Council and neighbouring residents to include amended plan nos. 20001 Rev. 3 and 90001 in my decision-making, and it is therefore my conclusion that the proposed revisions shown on drawing nos. 20001 Rev. 3 and 90001 should not be accepted. These plans have not therefore formed any part of my assessment of the appeal scheme.

Main Issues

9. The main issues are:
 - The effect of the proposal on character and appearance of the host dwelling and surrounding area; and
 - The effect of the proposal on the living conditions of the occupants of the neighbouring property at No.100 Broad Street, with particular regard to light and outlook.

Reasons for the Recommendation

Character and appearance

10. The appeal property is a two-storey semi-detached dwelling located on the northern side of Broad Street. It features an existing part two-storey part single storey rear extension as well as a small rear dormer window. On my site visit, I observed that the neighbouring property at No. 100 Broad Street also features small single storey rear and side extensions however my attention has been drawn to the fact that the adjoining dwelling benefits from planning permission for the construction of a two-storey rear extension with a pitched roof (ref. 20/P/00643) granted in May 2020.
11. The appellant has highlighted the fact that the amended design with the pitched roof would mirror the two-storey extension at No.100 granted in 2020 however as I have found that it would be prejudicial to the Council and neighbouring residents to include amended plan nos. 20001 Rev. 3 and 90001

in my decision-making, I must therefore consider the proposal as it was originally submitted.

12. The proposed two-storey rear extension would feature a flat-roofed element at first floor level which would jar with the appearance and form of the appeal dwelling which is characterised by a pitched roof at the rear. I find that it would appear awkward and bulky and, as such, I concur with the Council that the flat roofed element would detract from the character of the dwelling.
13. Furthermore, the proposed enlargement of the dormer window would also add considerable bulk to the roof given it would occupy almost the entire depth of the rear roof slope. I find it would appear excessively large and would further extend the amount of flat roof. Also, as it would sit awkwardly on top of the proposed first floor element, it would be read as an incoherent and disproportionate addition to the property.
14. The architectural form of the resultant dwelling would appear disjointed and top-heavy and would fail to harmonise with the surrounding context given there are no properties in the vicinity which feature flat roofs at first floor level.
15. The proposal would therefore adversely impact the character and appearance of the host dwelling and surrounding area. It would conflict with Policy D1 of the *Guildford Borough Local Plan: Strategy and Sites* document (LPSS), Saved Policy G5 of the *Guildford Borough Local Plan 2003*, the National Planning Policy Framework (NPPF) and the 'Residential Extensions and Alterations' Supplementary Planning Document (SPD) which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie.

Living conditions

16. In light of the two-storey rear extension permitted at No.100 as part of application ref. 20/P/00643, the proposed first floor infill extension would not project beyond the neighbour's rear elevation. The proposed development would flank the adjoining two-storey extension and would thus not appear overbearing or result in a loss of light and outlook for the neighbouring occupiers.
17. The proposal would therefore not adversely impact the living conditions of the neighbouring occupants with regards to a loss of light and outlook. It would not conflict with Policy G1 of the *Guildford Borough Local Plan 2003*, the NPPF or the SPD which together seek to ensure proposals do not harm the amenities enjoyed by neighbouring occupants.

Other matters

18. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity.
19. The appellant has submitted supporting evidence which sets out the specific needs and personal circumstances of an occupier of the property and the contended justification for the extension of the dwelling, and I am satisfied that consideration of the needs of the occupier would fall within the auspices of the PSED.

20. I have carefully considered the submissions and I recognise the importance that the enlargement of the property would play in meeting these needs, however improvements to the accommodation and layout to meet the specific personal circumstances could be achieved with an alternative and more sympathetic design that would not harm the character and appearance of the host dwelling and surrounding area.
21. Whilst I acknowledge that the appellant and the neighbouring occupiers, who have offered support for the scheme, have agreed to build their extensions simultaneously, this consideration does not outweigh the harm I have identified and has had no bearing on my decision.
22. Furthermore, whilst the appellant states that the proposal would reduce the amount of outside wall and increase energy efficiency, this would not outweigh the adverse impacts related to the poor design of the proposed extension.

Recommendation

23. Although the proposal would not harm the living conditions of the neighbouring occupiers, it would adversely impact the character and appearance of the host dwelling and surrounding area. Given this, the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the NPPF, which outweigh this finding.
24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Hollie Nicholls

INSPECTOR