
Appeal Decision

Site visit made on 19 July 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2022

Appeal Ref: APP/Y3615/D/22/3292086

87 Bushy Hill Drive, Guildford GU1 2UG

- 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 J Andrews against the decision of the Council for Guildford Borough.
 - The application Ref 21/P/01694, dated 2 August 2021, was refused by notice dated 19 January 2022.
 - The development is described as a “proposed first floor rear extension.”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - The living conditions of the occupiers of No 89 Bushy Hill Drive with regard to outlook and light.
 - The character and appearance of the area.

Reasons

Living Conditions

3. The appeal site is a semi-detached house, with an existing ground floor extension at the rear. The proposal would provide an additional storey at the first floor and roof level with a gabled roof treatment. The proposal would be close to the boundary with the adjoining property at No 89 Bushy Hill Drive which has not been extended.
4. The rear garden at No 89 is modest in size and has a significant land level drop from the rear elevation to the end of the garden. Given the gardens moderate extent, coupled with the proposal’s height, its close proximity, and projection beyond the existing first floor rear elevation; the proposal, when viewed from the garden of No 89 would comprise an overly tall and large expanse of blank wall, such that it would appear oppressive and overpowering for the occupants.
5. In addition, despite the presence of an existing single-storey rear extension, the proposal subject to this appeal would add considerable height and bulk. The resultant development would be a looming presence which would dominate the outlook from the rear facing ground floor rooms at No 89. As such, it would constitute an oppressive form of development to the detriment of the living conditions of these occupants.

6. In terms of the impact on light at No 89, there are four windows in the rear elevation of this property. The two windows at ground floor level appear to serve a habitable room, whilst the two windows at the first floor level serve non-habitable rooms. The Council's reason for refusal refers to a 45 degree guide, contained in their Residential Extensions and Alterations: Guildford Borough Council Supplementary Planning Document 2018 (SPD), which is used to assess the impact of proposals on daylight received in habitable rooms, and to ensure that adequate lighting levels can be maintained. Whilst it is clear that the existing rear extension already breaches this 45 degree guide, this is a 2D assessment. It does not take into account the increase in height which would arise as a result of the proposal, which in my view would unacceptably diminish the amount of light entering the habitable room at ground floor level.
7. The appellant has drawn my attention to the positioning of the proposal away from the boundary, specifically to mitigate against loss of light at No 89. However, given the breach of the 45 degree guide and harm I have identified, no evidence has been provided by the appellant to support their assertion that sufficient light would reach the neighbouring property. As a result, this consideration does not outweigh my findings.
8. Consequently, the proposal would unacceptably harm the living conditions of the occupants of No 89 Bushy Hill Drive, due to the impact on daylight and outlook. Therefore, the proposal would conflict with the objectives of Saved Policies G1 and H8 of the Guildford Borough Local Plan, adopted January 2003 (GLP) and the objectives of the SPD, which seek, among other things, to protect the amenity of the occupants of adjacent buildings from unneighbourly development, and ensuring that development is not unduly obtrusive or results in significant loss of light. It would also be contrary to the National Planning Policy Framework (the Framework) 2021 which, amongst other things, also seeks a good standard of amenity for all existing and future occupants of buildings.

Character and appearance

9. The suburban area is characterised by semi-detached properties which form a regular rhythm and pattern. The appeal dwelling is set back from the street and angled away to address the curvature of Bushy Hill Drive, thus views of the rear elevation are limited from the street. Given its rearward location, the proposal would not appear unduly dominant in the street, and as such would not harm the original form of the host property. Moreover, it would not appear incongruous or detract from the overall character and appearance of the surrounding area.
10. In conclusion, the proposal would not harm the character and appearance of the area. I therefore find no conflict with Policy D1 of the Guildford Borough Local Plan: Strategy and Sites, adopted April 2019 (GSS) and GLP Policies G5 and H8, which among other things, requires new development to be respectful, proportional and reflect patterns of development and distinct local character. As such, the proposal would also accord with the Framework, which amongst other things, seek to secure high quality design, whilst taking into account the local character and reflecting the local surroundings and materials.

Conclusion

11. Whilst I find no harm to the character and appearance of the area, the proposal would result in unacceptable harm to the living conditions of neighbouring occupiers. Therefore, and for the reasons given, the appeal is dismissed

Robert Naylor

INSPECTOR