



Appeal Decision

Site visit made on 11 March 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/Y3615/W/21/3281892

32 Queen Eleanor's Road, Guildford GU2 7SL

- 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 W Gong against Guildford Borough Council.
 - The application 21/P/01377, dated 23 June 2021, was refused by notice dated 27 August 2021.
 - The development proposed is the conversion of a dwelling house to create 1 additional residential unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also dealt with other appeals on this site, (Ref: APP/Y3615/W/21/3288076 and APP/Y3615/W/21/3284335). Those appeals are the subject of separate decisions.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and surrounding area; and (ii) the living conditions of future occupiers, with regards to outlook, light and provision of external amenity space.

Reasons

Character and Appearance

1. The appeal site comprises a substantial two storey detached dwelling set back from and facing the road. The surrounding area is residential, where large single buildings, set in individual expansive plots lend a pleasant spacious homogeneity which contributes positively to the character and appearance of the area.
2. I accept that the appeal scheme would result in the general appearance of a single dwelling from the street. It would replace the front door with a modest window and a bay window with a garage door. Moreover, it would not have two front doors on the street facing elevation. Nonetheless, the function of the building and specifically the way each unit would be accessed would allude to there being two independent dwellings on the site. This resulting 'shared' plot would be at odds with the prevailing character as I have described it. The increase in usage of the site, with associated residential paraphernalia and additional cars would highlight this. As would the formalised allocated parking

to the frontage which would, specifically, also lead to something of a cramped feeling, failing to respect the spacious aspects of the local plot sizes.

3. The proposal would therefore have an adverse effect on the character and appearance of the host dwelling and 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 (the GBLPSS) and the National Planning Policy Framework, which together seek to ensure good design.

Living Conditions

4. The living rooms at both properties would be in the middle of the dwellings. While they would have windows, these would face directly onto neighbouring side elevations and, in Unit 1, would be obscured glass. Accordingly, the living rooms would feel largely enclosed by nearby structures, leading to a poor and oppressive outlook, with limited light further contributing to a gloomy living environment. In addition, these rooms are not entirely open onto other areas on the ground floor, limiting the light from other rooms to reach these spaces.
5. Similarly, the rear bedrooms at both dwellings would be served by windows which would be obscured but for a modest area of top panels. While this would provide adequate light and prevent overlooking, it would result in a poor outlook, being obscured glass at eye level. This would create an enclosed feeling for residents in a habitable room. As a result of the poor outlook in each of these rooms, and the limited light in the living rooms, enjoyment of the rooms by future residents would be negatively impacted, creating an unacceptable standard of living conditions.
6. In addition, the rear garden at the appeal site would not be subdivided, such that one space would be shared by the residents of both properties. While it would be an adequate size, this would not provide the level of privacy expected of a rear amenity space for dwellings of this nature in order to support the range of uses reasonably expected of such space. As a result, it would be inadequate for the reasonable enjoyment of future occupiers.
7. The Council has referred to the Residential Extensions and Alterations Guildford Borough Council Supplementary Planning Document, 2018 (the SPD) which advises that rooms requiring less privacy should face the street. As a garage would be positioned along the front elevation of Unit 2, this would align with the advice of the SPD. With regards to Unit 1, the kitchen would face the street. This is a habitable room where occupiers would reasonably expect a certain level of privacy. Due to the distance of these windows from the highway and the proposed front boundary treatment, I do not consider this privacy would be unacceptably compromised.
8. For the reasons given above, the proposal would have a significant adverse effect on the living conditions of future occupiers with regards to outlook, light and provision of external amenity space. As such, it would fail to comply with Policies H1 and D1 of the GBLPSS; Policy H4 of the Guildford Borough Local Plan 2003, the SPD, which together seek to ensure adequate living conditions. While the Council has referred to Policy G5 of the Guildford Borough Local Plan 2003, this appears to relate to design and thus is not directly relevant to this main issue.

Other Matters

9. The application site lies within 5km of the Thames Basin Heaths Special Protection Area (SPA), a network of heathland sites designated for their ability to provide habitat for internationally protected populations of Woodlark, Nightjar and Dartford Warbler. However, there is no need for me to consider the implications upon the SPA in this case as the proposal is unacceptable for other reasons, as referred to above. While I note correspondence from the appellant relating to the finalising of a planning obligation, the appeal would be dismissed on other grounds, even with a completed s106 agreement.
10. The appellant has referred to examples of other conversions within the wider area. However, it remains that the proposal would not align with the prevailing pattern of development in its immediate vicinity. In any event, limited information on these schemes or their comparability to the proposal is provided. Each appeal must be assessed on its own site specific merits and reference to development elsewhere therefore carries little weight.
11. The appellant has further referred to a previous planning application with similar internal layout, which the Council concluded had a satisfactory outlook. Similarly, the Council has raised concerns regarding possible future intentions of the appellant with regards to the use of the property. However, I must assess the scheme as it appears before me. As such, reference to a previous planning application or speculation as to future use carries little weight.

Conclusion

12. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations worthy of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal should therefore be dismissed.

C Rafferty

INSPECTOR