



Appeal Decision

Site visit made on 18 July 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/Y3615/D/23/3319289

30 The Street, Tongham, Surrey GU10 1DH

- 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 M Hawsworth against the decision of Guildford Borough Council.
 - The application Ref 22/P/01913, dated 10 November 2022, was refused by notice dated 7 February 2023.
 - The development proposed is first & second floor side extension over car port.
-

Decision

1. The appeal is allowed and planning permission is granted for first & second floor side extension over car port with changes to fenestration at 30 The Street, Tongham, Surrey GU10 1DH in accordance with the terms of the application, Ref 22/P/01913, dated 10 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan dated 30.08.22; drawing number 11/2022/2 dated 26.08.22; and drawing number 11/2022/2 dated 30.08.22.
 - 3) The materials to be used on the external surfaces of the proposed development shall be as specified on the application form and thereafter retained as such.

Preliminary Matter

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. During the appeal, the Council confirmed that the reference to Policy H5 on the Notice of Decision relates to a consultation version of the Guildford Borough Local Plan: Development Management Policies (Adopted June 2022) (DMP) and should instead have referenced adopted Policy H4. The wording of the policy is unchanged and I have therefore considered the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of No.28 The Street, with particular regard to outlook and light.

Reasons

5. The appeal site and associated dwelling are located broadly to the north of the front outdoor space/parking area to No.28 The Street. The dwelling forming No.28 is set back from the appeal property which is itself set in from the boundary separating the two properties.
6. The proposed extension would be subservient to the existing dwelling by reason of being set back from the existing front and rear elevations of the appeal property, with a lower ridge height. Whilst the ground floor supporting structures and its roof would extend to the boundary with No.28, the upper floors and roof would be set in from the boundary.
7. The subservient nature of the extension with the upper floors and roof being set in from the boundary with No.28 would ensure that any impact upon the outlook from the windows to the front of No.28 and from its front outdoor space/parking area would not be significantly worsened or substantially harmful.
8. The proposed extension would sit within a 45-degree line from the mid-point of the first-floor window to No.28 as detailed within the guidance within the Residential Extensions and Alterations Supplementary Planning Document (SPD) 2018). However, with the upper floor set in from the boundary, and given the location of the appeal proposal broadly to the north-east of the front elevation to No.28, and broadly to the north of the front outdoor space/parking area, there would be no unacceptable overshadowing/loss of light.
9. For these reasons, I conclude that the proposal would not significantly harm the living conditions of the occupiers of No.28 The Street, with particular regard to outlook and light. As such, the proposal complies with saved Policy G1 of the Guildford Borough Local Plan (January 2003) and Policies H4, D4 and D5 of the DMP. Amongst other things, these seek to ensure that the amenities enjoyed by occupants of buildings are protected from unneighbourly development in terms of sunlight and daylight, that development is of a high quality and avoids an unacceptable impact on the living conditions of existing residential properties.

Conditions

10. I have had regard to the tests in the Framework in relation to conditions. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
11. A further condition is necessary ensure that the materials used for the external surfaces of the proposed development, as detailed on the application form, match the existing materials to the host dwelling in the interests of protecting the character and appearance of the area.

Conclusion

12. For the reasons given I conclude that the appeal should succeed.

C Rose

INSPECTOR