



Appeal Decision

Site visit made on 13 February 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 FEBRUARY 2024

Appeal Ref: APP/Y3615/D/23/3328787

Perham, Old Lane Gardens, Cobham, Surrey KT11 1NN

- 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 Gareth Voss against the decision of Guildford Borough Council.
 - The application Ref 23/P/00279, dated 13 February 2023, was refused by notice dated 13 June 2023.
 - The development proposed is an extension to front side and rear with accommodation within a redesigned roof form including front and rear gables and dormers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issues

3. The main issues are i) the effect of the proposal on the character and appearance of the host property, street scene and the surrounding area and ii) the living conditions of No 5 Old Lane Gardens with specific regard to loss of light and outlook.

Reasons

Character and appearance

4. The appeal site is a detached family dwelling located on the northern side of Old Lane Gardens, a small cul-de-sac in Cobham. The surrounding area is suburban in nature with mix detached and semi-detached properties, including bungalows alongside dwellings that are mainly two-storeys in height. The host property appears as a chalet style bungalow with accommodation in the roof space. In the immediate area, there is a distinct variety in appearance of buildings, in terms of the design, materials used and styles of properties.
5. The proposal would replace the existing single storey side garage and lean-to with a two-storey side extension. The proposal also includes roof extensions consisting of gables and dormers to the front and the back. With regard to the

footprint and height of the proposal, the development has been appropriately designed and would be in keeping with the existing context, appearance and character of the area. As such, its setting does not appear cramped and provides a respectfully designed development. However, it is the provision of the gabled dormers to the front and the rear of the property, which would be considered of an excessive scale and disproportionate to the host property, street scene and the local area.

6. It is acknowledged that the host property, along with other properties in the locality exhibit dormers to the front, some which include gabled treatments. These gabled dormers are generally subservient, leaving a significant proportion of roof space around them, appearing set down from the main ridge line, in accordance with the Residential Extension and Alterations: Guildford Borough Council Supplementary Planning Document (SPD) 2018. The proposal in contrast would provide large gabled dormers to both the front and rear elevations close to the main ridge. This would create additional mass at roof level and result in an appearance which would not reflect the proportions of the roofs of existing dwellings in the area. The design of the roof combined with the additional width, would result in a bulky extension to the roof level, at odds with the existing context that comprises roof additions of more subservient and domestic proportions.
7. I appreciate that there are a variety of building forms in the area, and it is acknowledged that the more contemporary design would provide visual interest and some individuality to the host property. However, this does not alter my findings that the proposal would fail to respond positively to its context, providing additional bulk at the roof level which would be of an inappropriate design in the street scene and surrounding area.
8. The appellant refers to other developments in the vicinity of the proposed scheme which shows inconsistency in decision making by the Council. However, I have been presented with little substantive evidence relating to these schemes planning history or any planning policy in place at the time when they were granted permission, thus I am unable to directly compare these examples. In any event, I have determined this appeal on its own merits based on all the evidence presented.
9. Consequently, the proposal would be harmful to the character and appearance of the host property, street scene and the surrounding area, contrary to paragraph 135 of the Framework, Policy D1 of Guildford Borough Local Plan: Strategy and Sites 2015-2034, adopted 2019; Policies D4 and H4 of the Guildford Borough Local Plan: Development Management Policies (DMP) adopted 2023 and the aims and objectives of the SPD. Collectively, these seek to ensure that development proposals are of a high-quality design and make a positive contribution to the area whilst respecting the existing context, scale, design, appearance and character.

Living conditions of No 5 Old Lane Gardens

10. There is an existing window and doorway in the flank elevation at ground floor level at No 5 that overlook the appeal site. From the information before me the window serves a bedroom. It is acknowledged that the proposal has been designed with no windows at the upper floor level flanking No 5, in order to mitigate overlooking and loss of privacy between the dwellings.

11. However, this design would result in a stark gabled wall near the bedroom window at No 5, providing a substantial increase in height and mass closer to the boundary. Whilst the ground level of the proposal would be lower than the adjoining property, the proposed relationship would nevertheless provide an oppressive presence, close to the habitable room, resulting in a poor outlook. The proposed extension would provide an overbearing and detrimental relationship to No 5 through the heightened sense of enclosure and its dominance.
12. I have not been provided with a Daylight and Sunlight Assessment of the proposal in respect to the neighbouring property and its garden area. However, given the orientation of these properties, the course of the sun, and therefore the direction of shadowing, the impact on sunlight as a result of the extension on No 5 would be limited to the early evenings in winter months only. Even without more detailed British Research Establishment tests, I am satisfied that the proposal would not lead to an excessive loss of daylight and sunlight at this property.
13. Despite my findings in respect to light, overall, the proposal would be harmful to the living conditions and outlook of the existing occupiers at No 5, with particular reference to an overbearing presence. The proposal is therefore contrary to the relevant provisions of DMP Policy D5 which amongst other things, seek to avoid developments having an unacceptable impact on the living environment of existing residential properties with regard to visual dominance and overbearing effects. It would also fail to accord with the requirements of the Framework which, amongst other things, also seek a good standard of amenity for all existing and future occupants of buildings.

Other Matters

14. The appellant refers to a potential fallback position utilising permitted development rights in respect to a larger rear roof extension. However, I have not been provided with any details of a formal certificate of lawfulness in respect to such works. As such, I cannot be sure that there would be a greater than theoretical possibility that a development might take place as a realistic or probable alternative. I therefore give limited weight to this as a fallback option.
15. The appellant also draws my attention to the sustainability improvements of the scheme and a lack of objection from East Horsley Parish Council. Neither of these matters are in dispute and nonetheless, the absence of harm in these regards does not carry positive weight in favour of the development. Overall, there are no other matters that would outweigh the identified harm to the character and appearance, nor to the living conditions of the existing occupiers at No 5 Old Lane Gardens that I have identified above.

Conclusion

16. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. Therefore, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR