



Appeal Decision

Site visit made on 12 February 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/Y3615/D/23/3325215

47 Kingston Avenue, East Horsley, Surrey KT24 6QT

- 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 and Mrs P Ridsdale against the decision of Guildford Borough Council.
 - The application Ref 23/P/00269, dated 13 February 2023, was refused by notice dated 22 May 2023.
 - The development proposed is a first-floor side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a first-floor side extension at 47 Kingston Avenue, East Horsley, Surrey KT24 6QT in accordance with the terms of the application, Ref 23/P/00269, dated 13 February 2023, 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: 1714/01
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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 Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the street scene.

Reasons

Character and appearance

4. The appeal site is located on the northern side of Kingston Avenue, a mainly residential area, in walking distance to a local parade of shops and close to

Horsley railway station. The host property comprises a two-storey semi-detached property set back from the street scene. The proposal seeks a first-floor side extension over the footprint of an existing garage to create a new habitable space.

5. The host property has a similar design to several other dwellings in this section of Kingston Avenue. Whilst there are visual gaps at the first-floor level, at the ground floor there is a relatively tight relationship between buildings in the vicinity. The proposal would provide a relatively small extension to the existing property, respecting the proportions of the existing dwelling and the character of the area. The proposal would be set down from the main ridge and set back from the front building line, appearing subservient to the host property reducing its visual impact. The appeal proposal has been sympathetically designed with a dual-pitched roof, matching into the pitch over the main property to further minimise its impact.
6. Whilst different, the appeal proposal would not appear jarring and would be viewed as a coherent built form in the vicinity. Furthermore, the modest height and scale of the proposal would further reduce the visual impact of the proposal, where it would not be considered significantly dominant or overbearing. It is acknowledged that the degree of change would be noticeable, nevertheless it would be contextual, and therefore it would not be an unacceptable change.
7. A condition has been attached to ensure that the external materials used would be complementary and would ensure that the proposal would be in keeping with the host property and the street scene, thus providing an appropriate form of development.
8. Therefore, I conclude the development would not harm the character and appearance of the host property or the street scene. Consequently, it would comply with 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 adopted 2023 and paragraph 135 of the Framework. Collectively these require new development to achieve high quality design, which is in scale and character with the area and respects the distinctive local appearance, amongst other things. The proposal would accord with Policy EH-H7 of the East Horsley Neighbourhood Plan, adopted 2018 insofar as the design would be in keeping with the established character and styles of properties of East Horsley. The proposal also accords with the advice in the Residential Extension and Alterations: Guildford Borough Council Supplementary Planning Document 2018 which amongst other things, seeks to reduce the visual impact of side extensions on the street scene.

Other Matters

9. I recognise that the proposal has generated public interest, with representations submitted in response to the planning application. I have considered these matters and concerns raised in the submissions by the interested parties, which include but are not limited to, restrictive covenants, noise and disruption during the construction phase and loss of light.
10. Concerns have been raised in respect to a restrictive covenant placed on the land. However, I have not been supplied with a copy of this covenant. Nevertheless, a restrictive covenant would operate independently of planning

considerations. Private covenants prohibiting or allowing certain types of uses/developments are a civil matter and not within the remit of planning control. As such, these matters would be a neutral factor in the planning balance.

11. Regarding the other matters raised, including loss of light, noise pollution and disturbance during the construction of the proposal, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Furthermore, matters regarding noise and disturbance can be controlled through other regulations. Consequently, these matters do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

12. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is carried out in accordance with the approved plans to provide certainty. A condition is also necessary to ensure that materials match the existing property and protect the character and appearance of the host building and surrounding area.

Conclusion

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

Robert Naylor

INSPECTOR